THE

Statutes at Large

OF

IRELAND:

BEGINNING WITH

The First SESSION of a PARLIAMENT, begun at *DUBLIN* the Fifth Day of *October*, *Anno Dom.* 1692. before His Excellency, *HENRY*, Lord Viſcount *SYDNEY*, Lord Lieutenant General, and General Governor of *IRELAND*:

In the Fourth Year of the REIGN of

King *William* and Queen *Mary*:

And continued to the End of

The Sixth and laſt Seſſion of a Parliament of *Ireland*, *July* 12th 1711.

In the Tenth Year of the Reign of

Her Majeſty Queen ANNE.

G. II. R.

DUBLIN:

Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXIV.

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begun and holden in the Fifth Year of QUEEN ANNE,

Anno 1706. before The Right Honourable RICHARD,

Lord VISCOUNT SHANNON, Lord Lieutenant General

and General Governor of IRELAND:

In the Fourth Year of the Reign of

King WILLIAM and Queen MARY:

And of the Reign of

The Sixth and last Session of the Parliament of

Ireland.

In the Tenth Year of the Reign of

Her Majesty Queen ANNE.

MVSEVM
BRITAN
NICVM

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Most Excellent Majesty; at the King's Arms and Two
Bibles in Essex-Street. MDCCXXXIV.

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Anno Regni Quarto Gulielmi et Mariæ.

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An Act of Recognition, of Their Majesties undoubted Right to the Crown of *Ireland*.

FORASMUCH as this Kingdom of Ireland, is annexed and united to the Imperial Crown of England, and by the Laws and Statutes of this Kingdom, is declared to be Justly and Rightfully depending upon, and belonging, and for ever united to the same; and the Kings and Queens of England are by undoubted Right, Kings and Queens of this Realm, and ought to enjoy the Stile, Title, Majesty, Power, Preheminence, Jurisdiction, Prerogative and Authority of Kings and Queens of the same. And whereas Our Sovereign Liege Lord and Lady, King WILLIAM and Queen MARY, since Their happy Accession to the Crown of England, with great Expence of Blood and Treasure, and the extream Hazard of His Majesty's Royal Person, have delivered this Their Kingdom, from the Miseries and Calamities of an intestine War, and most horrid Rebellion, raised up amongst us by the Irish Papists, and instigated, abetted and supported by the Power of the French King; thereby securing us against the danger of Popery and Arbitrary Power, with which we were threatned in a most eminent Manner, and have most happily reduced this Their Kingdom, to a state of Peace and Order, and restored to us our Laws and Liberties, and the free and impartial Administration of Justice. We the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, in the Name of all the People of this Kingdom, do from the bottom of our Hearts with all possible Thankfulness, acknowledge the Goodness of Almighty God, in raising up Their Majesties to Deliver us, and to Reign over us, of whose Goodness, Wisdom and Courage, we have already found such happy and blessed Effects. And to the Intent and Purpose, that we may publickly and unanimously own, and assert our Faith and true Allegiance to Their Majesties, and that the same may remain as a Memorial to all Posterity, amongst the Records of Parliament in this King-

dom. We the Lords Spiritual and Temporal, and Commons in Parliament assembled, as we are in Duty bound, do Recognize and Acknowledge, that the Kingdom of Ireland, and all Titles, Stiles, Royalties, Jurisdictions, Rights, Privileges, Prerogatives, and Preheminences Royal, thereunto belonging, are most rightfully and lawfully vested in Their Majesties, King WILLIAM and Queen MARY, and that Their most Excellent Majesties were, are, and of Right ought to be King and Queen of England, Ireland, Scotland, and France, and the Dominions and Territories thereunto belonging, in, and to whose Princely Persons, the Royal State, Crown and Dignity of the said Realms, with all Honours, Stiles, Titles, Regalities, Prerogatives, Powers, Jurisdictions, and Authorities to the same belonging and appertaining, are more fully, rightfully and intirely invested, and incorporated, united and annexed.

And we do beseech Their most Excellent Majesties, to accept of this our humble Recognition and Submission, as the First Fruits in this present Parliament, of our Faith and Duty to Their Majesties; and do pray that the same may be published, declared, and enacted in this High Court of Parliament; and the same are by Their said Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same declared, enacted and established accordingly.

CHAP. II.

An ACT for Encouragement of *Protestant* Strangers to Settle in this Kingdom of *Ireland*.

WHEREAS, in the Parliament held at Dublin the Eighth Day of May, in the thirteenth Year of the Reign of our late Sovereign Lord King Charles the Second, and by divers Prorogations held and continued to the seventeenth Day of April, in the fourteenth Year of His said Majesty's Reign, a certain Act of Parliament was made and passed, [intituled, An Act for encouraging *Protestant* Strangers, and others, to inhabit and plant in the Kingdom of *Ireland*] which said Act, as to the Naturalizing the Strangers, thereby intended to be naturalized, had Continuance only for the Term of seven Years from the End of the said Parliament.

And forasmuch as the said Act has been found to be of good Advantage to this Your Majesties Kingdom, May it

it therefore please Your Majesties, That it may be enacted, And be it enacted, by the King and Queen's Most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament assembled, and by Authority of the same, That all and every Part of the said Act [for encouraging *Protestant* Strangers, and others, to inhabit and plant in the Kingdom of *Ireland*] which is now expired, shall be, and is hereby revived, and shall continue and be in full Force and Vertue to all Intents and Purposes whatsoever, for, and during the Term of Seven Years from the End of this present Session of Parliament, and no longer.

Provided always, That no Person or Persons shall have the Benefit thereof, until he shall, instead of the Oaths of Supremacy and Allegiance, which were by the said Act to be taken, take the Oaths hereafter-mentioned, viz.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to Their Majesties King WILLIAM and Queen MARY.

So help me GOD.

I *A. B.* do swear, That I do from my Heart abhor, detest and abjure, as impious and heretical, that damnable Doctrine and Position that Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed and murthered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me GOD.

And shall also make and subscribe the Declaration following, viz.

I *A. B.* do solemnly and sincerely, in the Presence of God, profess, testify and declare, That I do believe, That, in the Sacrament of the Lord's-Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of CHRIST, at, or after the Consecration thereof, by any Person whatsoever; and, That the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous. And I do, solemnly, in the Presence of God, profess, testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *Protestants*, without any Evasion, Equivocation or mental Reservation, whatsoever; and without any Dispensation, already granted me for this Purpose, by the Pope, or any other Authority

or Perſon whatſoever, or without Diſpenſation from any Perſon or Authority whatſoever, or without believing that I am, or can be acquitted before God or Man, or Abſolved of this Declaration, or any Part thereof, although the Pope or any other Perſon or Perſons, or Power whatſoever ſhall Diſpenſe with, or Annul the ſame, or Declare that it was Null and Void from the beginning.

Which ſaid Oaths and Declaration ſhall be Solemnly and Publickly Made and Subſcribed in the High-Court of Chancery, Court of King's-Bench, or in open Court in the Seſſion time, before three or more Juſtices of the Peace in any County of this Kingdom where ſuch Perſon or Perſons ſhall Reſide, or before any Judge, or Juſtice of Aſſize in his Circuit, who are hereby Impowered and Authorized to Adminiſter the ſame, and thereupon to Certify his or their doing thereof into the High-Court of Chancery, there to remain on Record, and that the Fee only of One Shilling be taken upon Adminiſtring the ſaid Oaths, and Subſcribing the ſaid Declaration, One Shilling for Certifying the ſame, and One Shilling for Recording the ſame in Chancery.

And be it further Enacted by the Authority aforeſaid, That all Proteſtant Strangers and Foreigners, who at any time hereafter ſhall come into this Kingdom, and ſhall take the Oaths, and Subſcribe the Declaration herein above-mentioned, ſhall have and enjoy the free Exerciſe of their Religion, and have Liberty of Meeting together publickly for the Worſhip of God, and of hearing Divine Service, and performing other Religious Duties in their own ſeveral Rites uſed in their own Countries, any Law or Statute to the contrary notwithſtanding.

CHAP. III.

An ACT for an Additional Duty of Exciſe, upon Beer, Ale and other Liquors.

CHAP.

CHAP. IV.

An ACT for taking Affidavits in the Country, to be made Uſe of in the Courts of *King's-Bench*, *Common-Pleas* and *Exchequer*.

FOR the greater eaſe and benefit of all Perſons whatſoever, in the taking of Affidavits to be made uſe of, and read in their Majeſties Courts of King's-Bench, Common-Pleas and Exchequer, at Dublin, as well in Matters and Things relating to Their Majeſties, and Their Revenue, as in all other Matters and Cauſes whatſoever, depending or to be depending in all or any of the Courts aforeſaid, or any ways concerning the proceedings, of, or in the ſame.

Be it enacted by the King and Queens moſt Excellent Majeſties, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons of this preſent Parliament aſſembled, and by the Authority of the ſame, That the Chief Juſtice, or other the Juſtices of the ſaid Court of King's-Bench, for the time being, or any two of them, whereof the Chief Juſtice for the time being, to be one for the ſaid Court of King's-Bench, and the Chief Juſtice of the Common-Pleas, and the reſt of the Juſtices there, for the time being, or any two of them, whereof the Chief Juſtice of the ſame Court to be one for the ſaid Court of Common-Pleas, and alſo the Lord-Treaſurer, Chancellor and Barons of the Court of Exchequer, for the time being, or any two or more of them, whereof the Lord-Treaſurer, Chancellor or Lord Chief Baron, for the time being, to be one for the ſaid Court of Exchequer, ſhall or may by one or more Commiſſion or Commiſſions under their Hands, and the ſeveral Seals of the ſaid reſpective Courts, from time to time, as need ſhall require, impower ſuch, and as many Perſons as they, or any two of them, as aforeſaid, ſhall think fit and neceſſary, in all and every the ſeveral Counties of this Kingdom, to take and receive all and every ſuch Affidavit and Affidavits, as any Perſon or Perſons ſhall be willing and deſirous to make before any of the Perſons ſo impowered, in, or concerning any Cauſe, Matter, or Thing depending, or any ways concerning any of the Proceedings, to be in any of the ſaid reſpective Courts, and that it ſhall and may be Lawful for any Judge of Aſſize in his Circuit, to take and receive any Affidavit or Affidavits, as any Perſon or Perſons ſhall be willing or deſirous to make before him, in, or concerning any Cauſe Matter or Thing depending, or hereafter to be depending,

or in any wise concerning any Proceedings, to be in the said Courts of King's-Bench, Common-Pleas or Exchequer, or any of them, and that all and every Affidavit and Affidavits taken as aforesaid, shall be of the same force, as Affidavits taken in the said respective Courts now are.

Provided, that for the swearing and taking of such Affidavit the Person or Persons so impowered, or taking the same, for so doing, shall receive only the Sum, or Fee, of one Shilling, Sterling, and no more.

Provided further, That all and every Person and Persons, swearing Falsly, or forswearing him, her, or themselves in such Affidavit or Affidavits, shall incur, and be liable unto the same Penalties, as if such Affidavit or Affidavits had been made or taken in open Court. And for the prevention and better discovery of all Frauds and Perjury.

Be it enacted by the Authority aforesaid, That no Affidavit taken by any Commissioners, authorized as aforesaid, shall be read, or made use of, in any of the Courts aforesaid, unless the Commissioner or Person that take the same, mention in the Caption thereof, as well the Day when, as also the Place and County where the same was Sworn.

Provided also, That the said Affidavits taken as aforesaid, shall not be read, or made use of, in any of the said Courts, before the same be filed in the respective Courts.

ACTS

ACTS
AND
STATUTES,
MADE IN A
PARLIAMENT,
Begun, at *DUBLIN*,

The Twenty-ſeventh Day of *Auguſt*, *Anno Dom.* 1695.
In the Seventh Year of the Reign of Our Moſt Gracious Sovereign Lord

KING *WILLIAM*:

BEFORE

His Excellency *HENRY*, Lord CAPELL, Lord Deputy General, and General Governor of His Majeſty's Kingdom of *Ireland*. And Continued by ſeveral Adjournments, before Their Excellencies *CHARLES*, Lord Marqueſs of WINCHESTER; and *HENRY*, Earl of GALLWAY; Lords Juſtices General, and General Governors of His Majeſty's Kingdom of *Ireland*.

G. II. R.

DUBLIN:
Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXIII.

DUBLIN:

PARLIAMENT

HOUSE

OF

LORDS

AND

COURTS

CHAP. I.

An ACT for an Additional Duty of Exciſe upon Beer, Ale, and other Liquors.

CHAP. II.

An ACT for taking away the Writ, *De Heretico Comburendo.*

BE it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Parliament aſſembled, and by Authority of the ſame, That the Writ commonly called Breve de Heretico Comburendo, with all Proceſs and Proceedings thereupon, in order to the executing ſuch Writ, or following, or depending thereupon; and all Puniſhment by Death, in Purſuance of Eccleſiaſtical Cenſures, be from henceforth utterly taken away, and aboliſhed, any Law, Statute, Canon, Conſtitution, Cuſtom, or Uſage to the contrary heretofore, or now in Force in any-wiſe notwithſtanding.

Provided always, That nothing in this Act ſhall extend, or be conſtrued to take away, or abridge the Juriſdiction of Proteſtant Archbiſhops, or Biſhops, or any other Judges of any Eccleſiaſtical Courts, in Caſes of Atheiſm, Blaſphemy, Hereſy, or Schiſm, or other Damnable Doctrines and Opinions; but that they may proceed to puniſh the ſame according to His Majeſty's Eccleſiaſtical Laws, by Excommunication, Deprivation, Degradation, and other Eccleſiaſtical Cenſures, not extending to Death, in ſuch ſort, and no other, as they might have done before the making of this Act, any thing in this Law contained to the contrary in any-wiſe notwithſtanding.

CHAP. III.

An ACT, declaring all Attainders, and all other Acts made in the late pretended Parliament, to be void.

FOrasmuch as since the happy Accession of His Majesty King William, and the late Queen Mary, of blessed Memory, to the Imperial Crown of England, whereunto this Kingdom of Ireland is inseparably annexed, united and belonging, no Parliament could, or ought to be holden within this Kingdom, unless by Their Majesties Authority: Yet, nevertheless, divers Persons, during the late War and Rebellion in this Kingdom, did on, or about the seventh Day of May, One thousand Six hundred Eighty nine, assemble themselves at, or near the City of Dublin, without Authority derived from Their Majesties, and in Opposition thereto: And being so assembled, did pretend to be, and did call themselves by the Name of a Parliament, and acting in Concurrence with the late King James, did make and pass several pretended Acts or Statutes; and did cause the same to be placed and recorded amongst the Records and Proceedings of Parliament. All which pretended Acts were formed and designed in manifest Opposition to the Sovereignty of the Crown of England, and for the utter Destruction of the Protestants, and the whole Protestant Interest in this Kingdom; and are, and were null and void to all Intents and Purposes whatsoever.

And whereas Their said Majesties, out of Their pious and Princely Care of, and for Their dutiful and loyal Subjects of this Kingdom, and for Their better Security and Relief, by an Act of Their Parliament of England, made at Westminster, in the First Year of Their said Majesties Reign, were graciously pleased to Enact and Declare, That the said pretended Parliament, so as aforesaid assembled at Dublin, was not a Parliament, but an unlawful and rebellious Assembly: And that all Acts and Proceedings whatsoever, had, made, done, or passed, or to be had, made, done, or passed, in the said pretended Parliament, should be taken, deemed, adjudged and declared to be null and void, to all Intents, Constructions and Purposes whatsoever. For which, We the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, do return Our most hearty and unfeigned Thanks to His most sacred Majesty.

And

And for the better and further quieting and assuring the Minds of His Majesty's good Subjects; and to the Intent that no Memorial hereafter may remain amongst the Records of Parliament of any of the Acts or Proceedings of the said unlawful and rebellious Assembly, We the Lords Spiritual and Temporal, and Commons in Parliament assembled, do most humbly beseech Your Majesty, That it may be Enacted.

And be it Enacted by the King's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Parliament assembled, and by the Authority of the same, That all and every the Acts, or pretended Acts, and the Rolls whereon the said Acts, or pretended Acts, and every of them are recorded, or engrossed; and all Proceedings of what Nature or Kind soever had, made, done, or passed by the said Persons lately so assembled at Dublin, pretending to be, or calling themselves by the Name of a Parliament; and also all Writs issued in order to the calling of the said pretended Parliament, and returned into any Office in this Kingdom, and there remaining; and all the Journals of the said pretended Parliament, and other Books, or Writings, in any-wise relating thereunto, or to the holding thereof, shall by the Officers, or Persons, in whose Custody the same are, be brought before the Lord Deputy, or other chief Governor or Governors of this Kingdom, for the Time being, at such Time as the Lord Deputy, or other chief Governor or Governors, for the Time being, shall appoint at the Council-Chamber in Dublin, and there shall be publickly and openly cancelled, and utterly destroyed: And in case any Officer, or Person in whose Hands or Custody the said Acts and Rolls, or Proceedings, or any of them do, or shall remain, shall wilfully neglect, or refuse to produce the same, to the Intent that the same may be cancelled and destroyed according to the true Intent of this Act, every such Person and Officer shall be, and is hereby adjudged and declared to be, from thenceforth, incapable of any Office or Employment whatsoever; and shall forfeit and pay the Sum of Five hundred Pounds, one half thereof to His Majesty, and the other half to such Person or Persons that shall sue for the same, by any Action of Debt, Bill, Plaint or Information, in any Court of Record whatsoever.

And whereas the said unlawful Assembly, calling themselves a Parliament, did take upon them to pass one or more pretended Acts, whereby in most cruel and barbarous Manner they did, by express Name, attaint of High-Treason the greatest Part of the Lords Spiritual and Temporal, and principal Commons of this Kingdom; all which Attainders, as also all other Acts and

Proceedings, or pretended Acts or Proceedings of the said pretended Parliament, are hereby declared and enacted to have been from the first making thereof, and now to be absolutely null and void to all Intents, Constructions, and Purposes whatsoever.

Be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons, who by express Name or otherwise, by any Proceedings of the said pretended Parliament were attainted of High-Treason, or any other Crime, or subjected to any Incapacity, Disability, or Forfeiture, are hereby declared and enacted to have been ever since the making of the said pretended Act or Acts, and to be Persons lawful, able and capable to all Intents and Purposes whatsoever; and free and discharged of, and from all Attainders, Corruption of Blood, Disabilities, Incapacities and Forfeitures whatsoever; as fully, freely and entirely, as if the said Acts, or pretended Acts, or any of them had not been made or passed, and as if they and every of them had been particularly named in this Act, and by express Name and Words had been declared to be restored in Blood, made capable, freed and discharged as aforesaid.

CHAP. IV.

An ACT to restrain Foreign Education.

WHEREAS many of the Subjects of this Kingdom, have accustomed themselves to send their Children, and other Persons under their Care, into France, Spain, and other Foreign Parts, not under His Majesty's Obedience, to be educated, instructed, and brought up; by Means and Occasion whereof, the said Children and other Persons, have in Process of Time, engaged themselves in Foreign Interests, and been prevailed upon to forget the natural Duty and Allegiance due from them to the Kings and Queens of this Realm, and the Affection which they owe to the established Religion and Laws of this their native Country, and returning so civilly disposed into this Kingdom, have been in all Times past, the Movers and Promoters of many dangerous Seditions, and oftentimes of open Rebellion. For Remedy whereof,

Be it therefore enacted and declared by the King's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by Authority of the same, That in case any of His Majesty's Subjects

jects of this Realm of Ireland, at any time after the End of this Session of Parliament, shall pass, or go, or shall convey or send, or cause to be conveyed or sent, any Child, or other Person, into any Parts beyond the Seas, out of His Majesty's Obedience, to the Intent and Purpose to enter into, or be resident, or trained up in any Priory, Abby, Nunnery, Popish University, College or School, or House of Jesuits or Priests; or in case any of His Majesty's Subjects of this Kingdom, shall after the Time aforesaid pass or go, or be conveyed, or sent out of this Kingdom, into any Parts beyond the Seas, out of the King's Obedience, to the Intent and Purpose to be resident, or trained up in any private Popish Family, and shall be in such Parts beyond the Seas by any Jesuite, seminary Priest, Fryar, Monk, or other Popish Person instructed, persuaded or strengthned in the Popish Religion, in any sort to profess the same, or shall convey or send, or cause to be conveyed or sent, by the Hands or Means of any Person whatsoever, any Sum or Sums of Money, or other Thing, for, or towards the Maintenance or Support of any Child or other Person already gone or sent, or that shall hereafter go or be sent, and be trained and instructed as aforesaid, or under the Name or Colour of any Charity, Benevolence or Alms towards the Relief of any Priory, Abby, Nunnery, College, School, or any Religious House whatsoever; every Person so going, sending, conveying, or causing to be sent, or conveyed or sent, as well any such Child or other Person, as any Sum, or Sums of Money, or other Thing; and every Person passing, or being sent beyond the Seas, contrary to the Intent and Meaning of this Act, and being thereof lawfully convicted in Manner and Form hereafter mentioned, or upon any Information, Presentment, or Indictment, for any the Offences as aforesaid, to be found by any Jury of Twelve Men of the County or City, or Town Corporate, where such Person or Persons so going or sending shall have any Estate of Inheritance, when he or they did so send or go, such Person and Persons so going or sending wilfully, from and after such going or sending, shall be for ever disabled, from and after such finding, to sue, bring, or prosecute any Action, Bill, Plaint, or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian, or Executor, or Administrator, to any Person, or capable of any Legacy, or Deed of Gift, or to bear any Office within the Realm, and shall lose and forfeit all his, her, and their Goods and Chattles, which he, she, or they hath, or any other Person or Persons have, or hath in trust for him, her, and them, and shall forfeit all his, her, and their Lands, Tenements and Hereditaments, Rents, Annuities, Of-

fices and Estate of Free-hold, and all Trusts, Powers and Interests therein, for and during his, her, and their natural Life and Lives.

And be it further enacted by the Authority aforesaid, That if any Information be given to any Justice of the Peace, That any such Child, or other Person, Sum of Money, or other Thing, is or are gone, or sent away, contrary to the Tenor of this Act; That then every such Justice of the Peace, within the Limits of his Jurisdiction, is hereby authorized and required, forthwith, to cause to be brought before him, all such Persons suspected, or charged, to have offended therein; and shall examine the Person or Persons so suspected or accused, without Oath: And also shall examine any other Person or Witnesses, upon such his and their several and respective Corporal Oaths, concerning the same: And if, upon such Examination, it shall appear probable to such Justices of the Peace, That such Child, or other Person, Sum of Money, or other Thing, is or are gone or sent away, contrary to the true Intent and Meaning of this Act, Then the said Justices of the Peace shall bind the said suspected Person or Persons, with sufficient Sureties, and such other Persons as he shall judge fit to give Evidence: And the said Informer or Informers, in Recognizances of the Sum of Two hundred Pounds, or such greater Sum or Sums, as to the said Justice or Justices of the Peace shall seem reasonable, with Condition to appear at the next Quarter-Sessions of the Peace, to be held for the said County, where such Offence or Offences is, or are supposed to be committed, or where the Offenders did last reside, or were taken, and not to depart the said Court without License: And the said Justice of the Peace, shall, at the first Sitting of the said Court of Quarter-Sessions, return the said Examinations and Recognizances unto the Clerk of the Peace, in open Court, who shall cause an Information to be framed against such Person and Persons, or suspected Person or Persons, who shall instantly answer thereunto, and proceed to Tryal thereon; and in case, upon such Tryal, it shall, by Proof, appear to the said Court of Quarter-Sessions, That any Person, Sum of Money, or other Thing, was, by him, her or them, sent or conveyed, or caused to be sent or conveyed, into any Parts beyond the Seas, out of His Majesty's Obedience; And in case, by such Proof, it shall appear probable to the said Court, That such Sending or Conveying, was contrary to the true Intent and Meaning of this Act, Then he, she or they, shall take upon him, her or themselves, the Proof where such Child, or other Person, so by them sent, then is, and also to what Intent and Purpose such Sum or Sums of Money, or other Thing, was or were

sent

ſent by him or them beyond the Seas; And in caſe, any ſuch Child or Children, or other Perſon or Perſons, that ſhall go, as aforeſaid, contrary to the Intent and Meaning of this Act, or be ſent or conveyed away, as aforeſaid, or any Sum or Sums of Money, by way of Exchange, or any other Ways or Means whatſoever, ſhall be ſent, after the Time herein limited, beyond the Seas into Foreign Parts, as aforeſaid, to any the Intents and Purpoſes aforeſaid, contrary to the Deſign or Intent of this Act, That ſuch going, or ſending, ſhall be adjudged, deemed, and taken to be, going or ſending contrary to this Act, unleſs the Party or Parties, denying the ſame, ſhall prove the contrary; Or if, by Failure of ſuch Proof, or otherwiſe, upon Examination, it ſhall appear to the ſaid Court of Quarter-Seſſions of the Peace, That ſuch Offence or Offences hath or have been committed contrary to this Act, the ſame being entered on Record, ſhall be a Conviction, as well of the Perſon or Perſons ſo being ſent, as of the Parties ſo ſending; and they, and every of them, ſhall forfeit and incur all the Pains and Penalties, and Diſabilities, before recited and mentioned: The one Moiety of all ſuch Forfeitures to be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them that ſhall ſue for the ſame, in any Court of Record, by any Action, Bill, Plaint or Information, wherein no Eſſoyn, Protection, or Wager of Law, or more than one Imparlance, ſhall be allowed.

Provided always, That if any Perſon or Perſons, againſt whom ſuch Judgment ſhall be given, or pronounced, at ſuch General Quarter-Seſſions of the Peace, as aforeſaid, ſhall find him or herſelf aggrieved thereby, it ſhall and may be lawful to and for ſuch Perſon or Perſons, reſpectively, to appeal to the Juſtices of Aſſize of the ſaid County, at the next Aſſizes, to be held for the ſame: Which ſaid Juſtices of Aſſize, are hereby authorized, in the ſame Aſſizes, to cauſe the ſaid Proceedings, in the ſaid General Quarter-Seſſions of the Peace, to be brought before them, and there to review and examine the ſame, by ſuch Ways and Means as to them ſhall ſeem expedient, and to reverſe, alter and confirm the ſame, and every Part thereof, as to Juſtice ſhall appertain: And all and every Officer and Officers, in whoſe Cuſtody or Power ſuch Proceedings and Conviction ſhall be, at the Time of ſuch Inquiry by the ſaid Judge or Judges of Aſſize, ſhall obey the Orders and Directions of the ſaid Judge or Judges of Aſſize therein.

Provided always, That if any Perſon be convicted of being ſent beyond the Seas contrary to this Act, by the Conviction of the Perſon ſending or conveying him, only, Such Perſon, upon his Return into this Kingdom, ſhall,

at any Time within twelve Months after such his or her Return, or within twelve Months after his or her Attaining the Age of one and twenty Years, upon his Prayer, by Motion to the Court of King's-Bench of this Kingdom, be admitted to his Tryal; And the Judges of the said Court, are hereby impowered and required, forthwith, upon such Prayer, to cause an Information to be exhibited against such Person or Persons, to which he or they shall plead: And, thereupon, the said Court shall proceed to Tryal of such Person or Persons, by Jury of the County where the said Court shall then sit: And the Defendant or Defendants, in such Case, shall, upon his or their Tryal, be obliged to prove to what Intent or Purpose he, she or they was or were sent or conveyed beyond the Seas; And unless he, she or they shall make such Proof, whereby it may appear, that he, she or they were not sent or conveyed contrary to this Act, it shall be taken for granted, that he was sent contrary to this Act, as though the same had been fully proved: And in case, upon his, her or their Tryal, such Person or Persons shall be acquitted, he, she and they, so acquitted, shall be discharged of all the Disabilities, Penalties, any Forfeitures in this Act, except his, her or their Goods and Chattels, and the Profits of his, her or their Lands, incurred and received before such Acquittal.

Provided also, That every such Person sent or conveyed as aforesaid, that shall, within six Months after his Return into this Kingdom, in the High Court of Chancery, or Court of King's-Bench, in Term-Time, between the Hours of Eight and Twelve in the Morning, take the Oaths, and repeat and subscribe the Declaration, mentioned and appointed in and by one Act, lately made in the Parliament of England, [intituled, An Act for Abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths] shall from thenceforth be discharged of all the Incapacities and Disabilities aforesaid; And shall, from the Time of his Taking such Oaths, and Making, Repeating and Subscribing such Declaration, be restored to the Receipt of the future growing Rents, Issues and Profits of his said Real Estate only; But shall, nevertheless, lose all the past Rents, Issues and Profits thereof, and all his Personal Estate; Any thing before in this Act to the contrary notwithstanding.

Provided always, That if such Person or Persons at any time after his or their taking the said Oaths, and making, repeating and subscribing the said Declaration, profess him, her, or themselves of the Popish Religion, or refuse the taking the said Oaths, and repeating and subscribing the said Declaration, when the same shall be to him,

him, her or them, tendred by the Justices of the Peace in their open Quarter-sessions of the Peace for the County, or Place where such Person or Persons shall reside: Which the said Justices are hereby authorized and required, to tender to all whom they shall suspect to have relapsed, or shall upon due Summons refuse to appear at such Quarter-sessions, for the purpose aforesaid, in every such Case, the said Person or Persons shall incur, forfeit and suffer all and every the Disabilities, Pains, Penalties and Losses, herein before contained, as if such Person or Persons had never taken the said Oaths, or repeated and subscribed the said Declaration.

And be it further enacted by the Authority aforesaid, That all and every the Offences against this Act, may be inquired into, heard and determined before the Justices of the King's-Bench, or Justices of Assizes, or Goal-Delivery, or of Oyer and Terminer of such Counties where the Offenders did last Dwell or Abide, or whence he, she or they departed, or were sent out of the Kingdom, or where he, she or they went, or shall be respectively taken or apprehended.

Provided always, That if any Person shall upon his Tryal before the Justices of the Peace, at the General Quarter-Sessions, be acquitted by the said Court, of any Offence against this Act, or upon his appeal to the Judges of Assize, in such manner as by this Act is directed, shall by the said Judges of Assize be acquitted; or in Case he shall upon his Tryal be acquitted by the Jury, upon any Indictment, Presentment or Information, prosecuted against him for any Offence contrary to this Act, such Person so acquitted, shall not be lyable after such acquittal to be prosecuted upon this Act in any other manner for the same Offence.

And whereas it is found by experience that Tolerating and Conniving at Papists keeping Schools or Instructing Youth in Literature, is one great reason of many of the Natives of this Kingdom, continuing ignorant of the Principles of True Religion, and Strangers to the Scriptures, and of their neglecting to conform themselves to the Laws and Statutes of this Realm, and of their not using the English Habit and Language, to the great prejudice of the Publick-weal thereof.

Be it further enacted by the Authority aforesaid, That no Person whatsoever of the Popish Religion, shall publickly Teach School, or Instruct Youth in Learning, or in private Houses, Teach or Instruct Youth in Learning within this Realm from henceforth, except only the Children or others under the Guardianship of the Master or Mistress of such private House or Family, upon pain of Twenty Pounds, and also being committed to Prison, without Bail or Mainprize, for the space of three Months for ever-

ry ſuch Offence: And to the intent that no Pretence may be made or uſed, that there are not ſufficient numbers of Schools in this Realm to Inſtruct and Inform the Youth thereof in the Engliſh Language, and other Literature.

Be it further enacted by the Authority aforeſaid, That one Act of Parliament, made in the Twenty eighth Year of the Reign of the late King Henry the Eighth, called, An Act for the Engliſh Order, Habit and Language, whereby it is among other things enacted and provided, That every Incumbent of each Pariſh within this Kingdom, ſhall keep or cauſe to be kept within the Place, Territory or Pariſh where he ſhall have Preheminence, Rule, Benefice or Promotion, a School to learn Engliſh: And alſo, one other Act made in the twelfth Year of the Reign of the late Queen Elizabeth, [Intituled, An Act for the Erection of Free-ſchools, whereby it is enacted and provided, That a publick Latin Free-ſchool ſhall be conſtantly maintained and kept within each Dioceſs of this Kingdom, which have generally been maintained and kept, but have not had the deſired Effect, by reaſon of ſuch Iriſh Popiſh Schools, being too much connived at, and all other Acts and Statutes now in Force in this Realm, concerning Schools, ſhall from henceforth be ſtrictly obſerved and put in Execution, according to the good Intent and Deſign of the ſame, and for the more effectual doing thereof the Juſtices of his Majeſty's Court of King's-Bench each Term, and the Judges of Aſſize in their reſpective Circuits, and the Juſtices of Peace in their general Seſſions of Peace are required to give this and the ſaid former Acts in Charge from time to time, to the ſeveral Grand-Juries to be then impannelled and charged, and to be very Circumſpect in ſeeing the ſame put in due Execution.

CHAP. V.

An ACT for the better ſecuring the Government, by Diſarming Papiſts.

FOR preſerving the publick Peace, and quieting the Kingdom from all Dangers of Inſurrection and Rebellion for the future.

Be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled; And by Authority of the ſame, That all Papiſts within this Kingdom of Ireland, ſhall, before the Firſt Day of March next enſuing, diſcover and deliver up to ſome Juſtice or Juſtices of the Peace, or to the Mayor,

Mayor, Bayliff, or Head-Officer of the County, City, Town Corporate, or Place respectively, where such Papist shall dwell and reside, all their Arms, Armour and Ammunition, of what kind soever the same be, which are in his or their Hands or Possession, or in the Hands of any other Person or Persons in trust for them, or at their Disposition, notwithstanding any License or Permission for keeping the same heretofore granted. And that from and after the said First Day of March, One thousand, six hundred, ninety five, it shall and may be lawful for any two or more Justices of the Peace, within the Limits of their Jurisdiction and Authority, and to all Mayors, Sheriffs, and Chief Officers of Cities and Towns Corporate in their Liberties by themselves, or by Warrant or Warrants under their Hands and Seals, respectively, from time to time, to search for, seize, or cause to be searched for, and seized, and take into his or their Custody all such Arms, Armour and Ammunition as shall be concealed in any House, Lodging, or other Places where they shall suspect any such Arms, Armour or Ammunition shall be concealed, ; And such Arms, Armour and Ammunition, so taken or seized, upon Search and otherwise, as aforesaid, shall by the Person or Persons so receiving, taking and seizing the same, be preserved for the Use of His Majesty, His Heirs and Successors: And the said Persons shall return a true and particular Account thereof to the Lord Deputy, or other Chief Governor or Governors of this Kingdom, for the Time being, to the end the same may be brought into His Majesty's Stores of War, or be disposed of as he or they shall think fit.

Provided nevertheless, That no such Search or Searches shall be made in any such House, Houses, or Lodgings, save only between the Rising and Setting of the Sun, other than in Cities and their Suburbs, Towns Corporate, Market Towns, and Houses of such Cities and Towns, if it shall be so thought necessary, and the Warrant or Warrants for that Purpose do direct and appoint: And in Case such Justices of the Peace, Mayor, Sovereign, Bayliff, or other Chief Magistrate or Officer of any City or Town Corporate, after such Search made, shall find Cause to suspect that any Arms, Armour or Ammunition remain concealed, and not seized, as aforesaid, they are hereby respectively impowered and required to cause such Person or Persons, whom he or they shall suspect to have concealed the same, to be brought before him or them, and to be examined upon his, her, or their corporal Oath, concerning the same.

And be it further enacted, by the Authority aforesaid, That every such Papist who shall have or keep any such Arms, Armour or Ammunition, who shall not discover

and deliver up the same by the Time aforesaid; And every other Person or Persons, who wittingly or willingly shall have any such Arms, Armour or Ammunition, to the Use of, or in trust for, any such Papist, contrary to the true Meaning and Intent hereof. And also every such Person or Persons, who, upon Demand or Search made for such Arms, Armour or Ammunition, as aforesaid, shall refuse to declare and manifest to the Justice or Justices of the Peace, Mayors, Bayliffs, Head-Officers, or other Persons authorized and impowered for seizing and searching for all such Arms, Armour and Ammunition, in Manner as aforesaid, what Arms, Armour and Ammunition they, or any other to his Knowledge, or with his Privity have, or shall lett, hinder or disturb the Delivery thereof to any the said Justices of the Peace, or any other Person or Persons, authorized by Warrant, as aforesaid, to search for, take, and seize the same; and every other Person and Persons, who shall refuse to make Discovery upon his, her, or their Oath, to be administred by such Justices of the Peace, Mayor, Bayliff, or other Chief Officer of any City, or Town Corporate, concerning the Premisses, as aforesaid, or being summoned by Warrant under the Hands of Two or more Justices of the Peace, whereof Notice in Writing to be given to him, or her, or left at his or her usual Place of Abode, shall, without reasonable Cause, refuse or neglect to appear before such Justices of the Peace, Mayors, Sovereigns, Bayliffs, or other Chief Magistrates, as aforesaid, to be examined as aforesaid; Every such Person or Persons so offending, contrary to this Statute in this behalf, shall forfeit in Manner following (that is to say) if such Person or Persons be a Peer or Peeress of this Realm, he, she and they shall, for the first Offence, forfeit the Sum of One hundred Pounds Sterling: And if such Person or Persons shall offend a second Time, contrary to the true Intent and Meaning thereof, then such Person or Persons shall, for the second Offence, incur the Penalty of a Person attainted in a Premunire; And being thereof convicted, shall suffer Punishment accordingly. And if such Person or Persons offending herein, contrary to the true Intent of this Act, shall be under the Degree of a Peer or Peeress; then he, she, or they so offending shall, for the first Offence, being thereof lawfully convicted upon any Indictment, or Information to be exhibited at the Assizes or General Quarter-Sessions of the Peace, to be held for the County where such Offence shall be committed, lose and forfeit the Sum of Thirty Pounds; And shall suffer Imprisonment by Order of the Justices of Assize, at the Assizes, or Justices of the Peace in their General Quarter-Sessions of the Peace, without Bail or Mainprize for

one

one Year; And from thencefoꝛward until he, ſhe, oꝛ they ſhall pay the Penalty afoꝛeſaid. And if ſuch Perſon oꝛ Perſons ſhall offend a ſecond Time, contrary to the true Intent and Meaning hereof, then ſuch Perſon oꝛ Perſons ſo offending ſhall, foꝛ ſuch ſecond Offence, being convicted of the firſt Offence, incur and ſuffer all the Pain and Penalties of Perſons attainted in a Pꝛemunire, the ſaid Penalties and Sums of Money ſo to be foꝛfeit, as afoꝛeſaid, by ſuch Peer oꝛ Peereſs, to be recovered by Action of Debt, Bill, Plaint, oꝛ Infoꝛmation, in any of His Majeſty's Courts of Recoꝛd; In which ſaid Action of Debt, Bill, Plaint, oꝛ Infoꝛmation, no Eſſoyne, Pꝛotection, noꝛ Wager of Law ſhall be allowed, noꝛ moꝛe than one Imparlance granted; One Moiety thereof to be and go to the Uſe of His Majeſty, His Heirs and Succeſſoꝛs; and the other Moiety to ſuch Perſon oꝛ Perſons who ſhall ſue foꝛ the ſame.

Pꝛovided always that this Act, oꝛ any Thing therein contained, ſhall not extend, oꝛ be conſtrued to extend, to hinder oꝛ reſtrain any Nobleman oꝛ Gentleman from keeping oꝛ uſing a Swoꝛd, and a Caſe of Piſtols, and a Gun foꝛ the Defence of his Houſe, oꝛ foꝛ Fowling, ſo as ſuch Nobleman oꝛ Gentleman befoꝛe the ſaid Firſt Day of March, in the Year of Our Loꝛd, One thouſand, Six hundꝛed, Ninety five, ſhall make Pꝛoof, to the Satiſfaction of the Loꝛd Deputy, oꝛ other Chief Goveꝛnoꝛ oꝛ Goveꝛnoꝛs, and the Pꝛivy-Council of this Kingdom of Ireland, that he, upon the Third Day of October, in the Year of Our Loꝛd, One thouſand, Six hundred, Ninety one, was an Inhabitant oꝛ Reſident of Limerick, oꝛ ſome other Garriſon then in the Poſſeſſion of the Iriſh, oꝛ was then ſome Officer oꝛ Soldier then in Arms, under a Commiſſion of the late King James, oꝛ thoſe authoꝛized under him, to grant the ſame in the Counties of Limerick, Clare, Kerry, Cork, oꝛ Mayo, oꝛ under their Pꝛotection in the ſaid Counties; oꝛ was then a Commiſſioned Officer in His Majeſty's Quarters belonging to the Iriſh Regiments then in being, which were treated with, not being then a Pꝛiſoner of War, noꝛ having befoꝛe that Time taken Pꝛotection; and that he has ſince returned and ſubmitted to His Majeſty's Obedience; and ſhall alſo pꝛove as afoꝛeſaid, that he was upon the ſaid Third Day of October within this Kingdom, and ſo as ſuch Nobleman oꝛ Gentleman hath not any time, ſince the ſaid Third Day of October, upon Tender to him, refuſed to take the Oath of Allegiance, required to be taken by an Act of Parliament in England, made in the Firſt Year of the Reign of His pꝛeſent Majeſty, and of the late Queen Mary, of bleſſed Memoꝛy; and ſhall take the ſaid Oath when he ſhall be thereunto required, oꝛ ſhall pꝛove, as afoꝛeſaid, that he

was upon the One and twentieth Day of July, which was in the Year of Our Lord, One thousand, Six hundred, Ninety one, a Gentleman of Estate, then belonging to the Town and Garrison of Gallway; But that such Nobleman or Gentleman, respectively, so making Proof, and being qualified, as aforesaid, may keep, and make use of a Sword, a Case of Pistols, and a Gun, for Defence of his House, or for Fowling, in such Manner as he might have done, in case this Act had never been made, any Thing herein contained to the contrary, in any wise notwithstanding.

Provided always, That an Entry shall be made of such Proof, and that no Gratuity, Fee or Reward whatsoever shall be taken by any Person, other than the Sum of One Shilling for the making such Proof, or for the Entry thereof. Provided always, That no Person shall be convicted, or incur any Penalty upon this Act, for any Offence committed contrary thereto, upon any Confession or Discovery he or she shall make, being examined upon Oath, unless such Offence shall be made out by other Proof, any Thing herein contained to the contrary notwithstanding.

Provided always, That the Lord Deputy, or other Chief Governor or Governors, and Privy-Council of this Realm, for the Time being, may by Order of Privy-Council, at any Time after the said First Day of March, One thousand, Six hundred, Ninety five, License any Person or Persons, as he and they shall think fit, to keep such Arms as shall be particularly expressed in such Licence, in as full and ample Manner as such Chief Governor or Governors heretofore might have done, before the passing of this present Act, any thing herein contained to the contrary notwithstanding. Which Licence shall be granted without any Gratuity, Fee or Reward, other than the Sum of One Shilling for the Writing thereof.

And be it further enacted by the Authority aforesaid, That from and after the End of this present Sessions of Parliament, no Person whatsoever now, or at any time whatsoever, exercising or using the Mystery, or Art of making any Locks or Barrels for Guns, Musquets, Pistols, or other Fire-Arms; or of making Swords, Bayonets, Skeines, Knives, or other Weapons, shall take to Prentice, or use, receive or instruct as an Apprentice, any Person of the Popish Religion, on Pain that every Person so offending in entertaining such Popish Person to be an Apprentice, or using, receiving, or instructing him as such, shall for every such Offence forfeit the Sum of Twenty Pounds to be recovered by Bill, Plaint, or Information, in any of his Majesty's Courts of Record, wherein no Essoyne, Protection, or Wager of Law

Law is to be allowed, nor more than one Imparlance granted; The one Moiety of all such Forfeitures to be to His Majesty, His Heirs and Successors, and the other Moiety to the Informer, or him, or them, that shall or will sue for the same.

And moreover, the Indenture of Apprenticeship, and all Bonds and Contracts to be made or entred into, by Reason or Occasion of any such Popish Person being put to be an Apprentice, as aforesaid, shall be void, and are hereby declared to be void; and every such Person of the Popish Religion, who shall be hereafter put to be an Apprentice, instructed contrary to the true Meaning of this Act, and who shall exercise the said Art or Mystery, shall for every such Offence in using or exercising the said Art or Mystery, or any Part thereof, forfeit the Sum of Twenty Pounds, to be sued for, and recovered as aforesaid, to the Uses before mentioned; And the Justices of the Peace, Mayors, Sovereigns, and other Head Officers of Cities, Burroughs, and Towns Corporate, respectively, are hereby authorized and required to send for all Apprentices of such Persons exercising the Art and Mystery aforesaid, whom they shall suspect, and shall tender to them the Oaths and Declaration following, to be by them respectively taken and subscribed.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to His Majesty King WILLIAM.

So help me God.

I *A. B.* do swear that I do from my Heart abhor, detest and abjure, as impious and heretical, That Damnable Doctrine and Position that Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Preheminency, or Authority, Ecclesiastical or Spiritual, within this Realm.

So help me God.

I *A. B.* do solemnly and sincerely, in the Presence of God, profess, testify and declare, That I do believe, that in the Sacrament of the Lord's-Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof, by any Person whatsoever: And that the Invocation and Adoration of the Virgin MARY, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of ROME, are Superstitious and Idolatrous. And I do solemnly (in the Presence of God) profess, testify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by Protestants, without any Evasion, E-

quivocation, or mental Reſervation whatſoever, and without any Diſpenſation already granted me for this Purpoſe, by the Pope, or any other Authority or Perſon whatſoever, or without any Hope of any ſuch Diſpenſation from any Perſon or Authority whatſoever, or without believing that I am or can be acquitted before God or Man, or abſolved from this Declaration, or any Part thereof, altho' the Pope, or any other Perſon or Perſons, or Power whatſoever ſhould diſpenſe with, or annull the ſame, or declare that it was null and void from the Beginning.

And the Refuſal of ſuch Perſon or Perſons to take the ſaid Oaths, or ſubſcribe the ſaid Declaration ſhall be, and are hereby declared to be, a Conviction of ſuch Perſons ſo refuſing the ſame, of his being guilty, as alſo of the Maſter of ſuch Apprentice, unleſs ſuch Maſter ſhall prove that ſuch Apprentice, at the time of entring his Service, was known or reputed to be of the Proteſtant Religion.

And be it further enacted, That no Papiſt ſhall at any time, from and after the Twentieth Day of January, One thouſand, Six hundred, Ninety five, be capable to have, or keep in his Poſſeſſion, or in the Poſſeſſion of any other Perſon, to his Uſe, or at his Diſpoſition, any Horſe, Gelding or Mare, which ſhall be of the Value of five Pounds, or more: And that if any Perſon, being of the Proteſtant Religion, ſhall make Diſcovery upon Oath of any ſuch Horſe or Horſes, to be in the Poſſeſſion of ſuch Papiſt, or of any Perſon in truſt for him, to any Two Juſtices of the Peace, or to the Mayor, or other Chief Magiſtrate of any City or Town Corporate, That ſuch Juſtice of the Peace, Mayor, or other Chief Magiſtrate, within their reſpective Precincts, ſhall from Time to Time, by Warrant under his and their Hands and Seals, authorize ſuch Perſon, with the Aſſiſtance of the Conſtable, or his Deputy, or ſuch other Perſon, as he or they ſhall think fit, who are hereby required to be aiding and aſſiſting therein, in the Day time only, to ſearch for, and ſecure all and every ſuch Horſe and Horſes: And in caſe of Oppoſition or Reſiſtance, to break open any Door, and bring ſuch Horſe or Horſes before him or them: And ſuch Perſon being of the Proteſtant Religion, and making ſuch Diſcovery, paying or making Tender before ſuch Juſtices, Mayor, or other Chief Magiſtrate of any City or Town Corporate, of the Sum of Five Pounds Five Shillings to the Owner or Poſſeſſor of ſuch Horſe, or to ſuch Juſtice or Chief Magiſtrate in his or their Abſence; which the ſaid Juſtice or Chief Magiſtrate are hereby authorized to receive, for the Uſe of ſuch Owner or Poſſeſſor; And that from and after ſuch Payment, or Tender and Refuſal; The Property of ſuch Horſe or Horſes, for which ſuch Sum or Sums ſhall be reſpectively tendred or paid,

ſhall

ſhall, by Authority of this preſent Act, be deemed and adjudged to be veſted in the Perſon making ſuch Diſcovery and Tender, as if ſuch Horſe and Horſes had been bought and ſold in Market Overt; And the ſaid Juſtices of the Peace, Mayor, Bailiff, or other Head Officer is, and are hereby authorized and required by Warrant under his and their Hands and Seals, to cauſe ſuch Horſe and Horſes to be delivered accordingly.

And be it further enacted, That if any Perſon ſhall conceal, or be aiding or aſſiſting in the concealing any ſuch Horſe or Horſes belonging to any Papiſt, or ſuſpected Papiſt, refuſing to take the Oaths, and ſubſcribe the Declaration aforeſaid, ſuch Perſon or Perſons being thereof duly convicted by the Oaths of Two or more credible Witneſſes, before any Juſtice of the Peace of the County, where ſuch Horſe or Horſes ſhall be concealed, ſhall be committed to the common Goal, by Warrant from the ſaid Juſtice, there to remain without Bail or Mainprize by the ſpace of three Months, and ſhall forfeit and loſe to His Majeſty and his Succeſſors, treble the Value of ſuch Horſe or Horſes; which Value is to be ſettled by the Juſtices of the Peace, in their General-Quarter-Seſſions of the Peace in the reſpective Counties, who are hereby authorized to continue ſuch Perſon in Priſon, until due Payment of ſuch Sum of Money, to the Uſe of His Majeſty, His Heirs and Succeſſors.

And it is hereby declared, That every Perſon ſhall be deemed and taken to be a Papiſt, within the Meaning of this preſent Act, who ſhall refuſe to take the Oaths, and ſubſcribe the Declaration herein before-mentioned, when the ſame ſhall be tendred to him by any Juſtice or Juſtices of the Peace; which ſaid Oaths and Declaration the ſaid Juſtices of the Peace and Chief Magiſtrates are hereby authorized and required to adminiſter, if any ſuch Perſon or Perſons ſhall deny him or themſelves to be a Papiſt, within the Meaning of this Act; And if any ſuch Perſon or Perſons ſhall take the ſaid Oaths, and ſubſcribe the ſaid Declaration, the ſaid Juſtice and Juſtices of the Peace ſhall certify under his Hand his or their taking the ſaid Oaths, and return the ſaid Declaration to the next Quarter-Seſſions to be held for the ſaid County, there to be recorded, as in ſuch Caſes is uſual.

And be it further enacted by the Authority aforeſaid, That if any Juſtice or Juſtices of the Peace, Mayors, Sovereigns, Bayliffs, or Chief Magiſtrates or Officers of any County or Town Corporate, reſpectively, ſhall neglect or refuſe to execute any the Powers or Authorities which he or they is, or are reſpectively required by this preſent Act to put in Execution, every ſuch Juſtice of the Peace, Mayor, Sovereign, Bayliff, or Chief Magiſtrate

or Officer, shall, for every such Default or Offence, lose and forfeit the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record, by Bill, Plaint, or Information, wherein no Essoyne, Protection, or Wager of Law shall be allowed, nor more than one Imparlance granted; The one Moiety of such Forfeiture to be to His Majesty, His Heirs and Successors; and the other Moiety to such Person as shall or will sue for the same; And the said Offenders shall be moreover, and are hereby disabled, and made incapable, from and after his being convicted, to act as Justice of the Peace, Mayor, Sovereign, Bayliff, or Chief Magistrate, or Officer in any County, City, or Town Corporate in this Kingdom.

CHAP. VI.

An ACT for the better settling of Intestates Estates.

BE it enacted by the King's most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That all Ordinaries, as well the Judge or Judges of the Prerogative Court of the Archbishop of Ardmagh, for the time being, as all other Ordinaries, and Ecclesiastical Judges, and every of them, having Power to commit Administration of the Goods, Chattles and Credits of Persons dying Intestate, shall and may, upon their respective granting and committing of Administrations of the Goods, Chattles and Credits of Persons dying Intestate, after the Feast of the Purification of the Blessed Virgin Mary, in this present Year of Our Lord, One thousand, Six hundred, Ninety five, take and require of the respective Person or Persons, to whom any Administration is to be committed, sufficient Bonds, with Two or more able Sureties, Respect being had to the Value of the Estate in the Name of the Ordinary, with the Condition in Manner and Form following, Mutatis Mutandis, *viz.*

THE Condition of this Obligation is such, That if the within bounden *A. B.* Administrator of all and singular the Goods, Chattles, and Credits of *E. D.* Deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods and Chattles, and Credits of the said *E. D.* Deceased, which have, or shall come to the Hands, Possession or Knowledge of him the said *A. B.* or into the Hands or Possession of any other Person or Persons

Perſons for him, and the ſame ſo made do Exhibit, or cauſe to be Exhibited in the Regiſtry of at, or before the day of next Enſuing, and the ſame Goods, Chattles and Credits, and all other the Goods, Chattles and Credits of the ſaid deceaſed, at the time of his Death, which at any time hereafter ſhall come to the Hands or Poſſeſſion of the ſaid *A. B.* or into the Hands or Poſſeſſion of any other Perſon or Perſons for him, do well and truly Adminiſter, according to Law; And further do make, or cauſe to be made a true and juſt Account of his ſaid Adminiſtration, at, or before the day of and all the reſt and reſidue of the ſaid Goods, Chattles and Credits which ſhall be found remaining upon the ſaid Adminiſtrators account, the ſame being firſt examined and allowed of, by the Judge or Judges for the time being of the ſaid Court; ſhall deliver and pay unto ſuch Perſon or Perſons reſpectively, as the ſaid Judge or Judges, by his or their Decree or Sentence, purſuant to the true intent and meaning of this Act ſhall limit and appoint; And if it ſhall hereafter appear, that any Laſt Will or Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named, do Exhibit the ſame into the ſaid Court, making requeſt to have it allowed and approved accordingly, if the ſaid *A. B.* within Bounden, being thereunto required, do Render and Deliver the ſaid Letters of Adminiſtration, Approbation of ſuch Teſtament being firſt had and made in the ſaid Court, Then this Obligation to be Void and of none Effect, or elſe to remain in full Force and Vertue.

Which Bonds are hereby declared and enacted to be good in Law, to all Intents and Purpoſes, and pleadable in any Courts of Juſtice; And alſo, that the ſaid Ordinaries and Judges, reſpectively, ſhall and may, and are enabled to proceed againſt, and call ſuch Adminiſtrators to Account, for, and touching the Goods of any Perſon dying Inteſtate, and upon hearing and due Conſideration thereof, to order and make juſt and equal Diſtribution of what remaineth clear, after all Debts, Funeral Charges, and juſt Expences of every Sort firſt allowed and deducted amongſt the Wife and Children, or Childrens Children, if any ſuch be, otherwiſe to the next of Kindred to the dead Perſon, in equal Degree, or legally repreſenting their Stocks, pro ſuo cuiq; Jure, according to the Law in ſuch Caſes, and the Rules and Limitations hereafter ſet down, and the ſame Diſtribution to decree and ſettle, and to compel ſuch Adminiſtrators to obſerve and pay the ſame by due Courſe of His Majeſty's Eccleſiaſtical Laws: Saving to every one, ſuppoſing him or themſelves aggrieved, their Right of Appeal, as was always in ſuch Caſes uſed.

Provided always, and be it enacted by the Authority aforeſaid, That all Ordinaries, and every other Perſon,

who by this Act is enabled to make Distribution of the Surplusage of the Estate of any Person dying Intestate, shall distribute the whole Surplusage of such Estate or Estates in Manner and Form following (That is to say) one Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue by equal Portions to, and amongst the Children of such Persons dying Intestate, and such Persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate in his life time by Portion or Portions, equal to the Share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; And in Case any Child (other than the Heir at Law) who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate in his Life-time by Portion, not equal to the Share which shall be due to the other Children by such Distribution, as aforesaid, Then so much of the Surplusage of the Estate of such Intestate, to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated (but the Heir at Law) notwithstanding any Land which he shall have by Descent or otherwise from the Intestate, is to have an equal Part in the Distribution, with the rest of the Children, without any Consideration of the Value of Lands which he hath by Descent, or otherwise, from the Intestate. And in case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the said Intestate; the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate, who were in equal Degree, and those who legally represent them.

Provided that there be no Representations admitted amongst Collaterals after Brothers and Sisters Children: And in case there be no Wife, then all the Estate to be distributed equally to, and amongst the Children: And in case there be no Child, then to the next of Kindred in equal Degree of, or unto the Intestate, and their legal Representatives, as aforesaid, and in no other Manner whatsoever.

Provided also, and be it likewise enacted by the Authority aforesaid, to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person dying Intestate be made, till after one Year be fully expired after the Intestates Death: And that such

and

and every Perſon to whom any Diſtribution or Share ſhall be allotted ſhall give Bonds, with ſufficient Sureties in the ſaid Courts: Which ſaid Bonds ſhall be likewiſe good in Law, and pleadable in any Courts of Juſtice, That if any Debt or Debts truly owing by the Inteſtate, ſhall be afterwards ſued for, and recovered, or otherwiſe duly made to appear, that then, and in every ſuch Caſe, he or ſhe ſhall reſpectively refund and pay back to the Adminiſtrator, his or her rateable Part of ſuch Debt or Debts, and of the Coſts of Suite and Charges of the Adminiſtrator, by reaſon of ſuch Debt, out of the Part and Share, ſo as aforeſaid, allotted to him or her, thereby to enable the ſaid Adminiſtrator to pay and ſatisfy the ſaid Debt or Debts ſo diſcovered, after the Diſtribution made, as aforeſaid.

Provided always, and be it further enacted, by the Authority aforeſaid, That in all Caſes where the Ordinary hath uſed heretofore to grant Adminiſtration, Cum Teſtamento annexo, he ſhall continue ſo to do, and the Will of the Deceaſed, in ſuch Teſtament expreſſed, ſhall be performed and obſerved in ſuch Manner as it ſhould have been, if this Act had never been made.

Provided always, That neither this Act, nor any thing therein contained, ſhall be conſtrued to extend to the Eſtates of Fems Covert that ſhall die Inteſtate, but that their Husbands may demand and have Adminiſtration of their Rights, Credits, and other Perſonal Eſtates, and recover and enjoy the ſame, as they might have done before the making of this Act.

Provided alſo, And it is hereby further enacted, That no Adminiſtrator ſhall, from henceforth, be cited into any of the Courts in this Act mentioned, to render an Account of the perſonal Eſtates of his Inteſtate, otherwiſe than by an Inventory or Inventories thereof, unleſs it be at the Inſtance or Proſecution of ſome Perſon or Perſons in behalf of a Minor, or having a Demand out of ſuch Eſtate as a Creditor, or next of Kin, and ſhall not be compellable to account before any the Ordinaries or Judges by this Act impowered and appointed to take the ſame, otherwiſe than as is aforeſaid.

And be it further enacted by the Authority aforeſaid, That if after the Death of a Father, any of his Children ſhall die Inteſtate, without Wife or Children, in the Life-time of the Mother, every Brother and Siſter, and the Repreſentatives of them, ſhall have an equal Share with her, any Law, Uſage or Cuſtom to the contrary notwithſtanding.

And whereas it hath been heretofore uſed, That in caſe any Executor or Adminiſtrator, to any Perſon deceaſed, did obtain any Judgment or Judgments in Law, in any

of his Majesty's Courts of Record, within this Kingdom of Ireland, in his or their own Name or Names, for any Debt due unto his or their Testator, or Intestate, and did happen to die before any Execution sued forth by him or them, upon such Judgment or Judgments, the Effect or Benefit of such Judgment or Judgments, was wholly lost; and such Person or Persons, to whom Letters of Administration of the Goods Unadministred to such first Testator or Intestate were committed, could not by the Rules of Law, have any Benefit or Advantage of such Judgment or Judgments by Scire Facias, or otherwise, but were forced, for the Recovering of such Debt or Duty, to sue forth a new Original, to their great Expence and Delay: For Remedy whereof,

Be it enacted by the Authority aforesaid, That from henceforth in all such Cases it shall and may be lawful for any Administrator or Administrators of the Goods unadministred of such first Testator or Intestate to sue forth any Writ or Writs of Scir. Fac. upon any such Judgment or Judgments so had and obtained in the Name or Names of such Executor or Administrator, and have the Benefit and Advantage of such Judgment or Judgments as fully to all Intents and Purposes as such Executor or Administrator himself might have had if he or they had been living and sued forth such Writ or Writs upon any such Judgment; any Law, Custom, or Usage of the contrary hereof in any wise notwithstanding.

And whereas it has been held, that there is a certain Custom within this Kingdom of Ireland, to the effect following, that is to say, That if any Person dye possessed of, or intitled to any Goods, Things in Action, or personal Estate whatsoever; and having at the time of his Death, a Wife, or Child, or Children, that in such case all the said Estate is to be divided unto three equal Parts, whereof one third Part belongs to the Wife, another to the Child or Children, and the other third Part only to be subject to the Disposition of the Party deceased, by his last Will or Testament, in case he make any, or to go in a course of Administration in case he dye Intestate, and if he leave a Wife only, and no Child or Children, then the said Estate to be divided into two Parts, whereof the one Moyety to go to the Wife, and the other Moyety only to be subject to his Disposition by Will as aforesaid; otherwise to go in a course of Administration, in case he dye Intestate: And in like manner if he shall leave a Child, or Children and no Wife.

Now it is hereby declared, That the said Custom shall from henceforth be absolutely null and void to all

Intents

Intents and Purposes whatsoever, and shall not be taken to be in Force, or to be binding to any Person or Persons whatsoever.

And whereas the Executors and Administrators of such Persons who have possessed themselves of considerable personal Estates of other dead Persons, and converted the same to their own use, have no Remedy by the Rules of the Common Law, as it now stands, to pay the Debts of those Persons whose Estate hath been so converted by their Testator or Intestate, which hath been found very Mischievous, and many Creditors defeated of their just Debts, although their Debtors left behind them sufficient to satisfie the same with a great Overplus. For Remedy whereof;

Be it further enacted by the Authority aforesaid, That all and every the Executors and Administrators of any Person or Persons, who as Executor or Executors in his or their own Wrong, or as Administrator shall, from and after the Fifth Day of November, in this present Year of Our Lord, One thousand, Six hundred, Ninety and five, waste or convert any Goods, Chattles, Estate or Assetts of any Person deceased, to their own Use, shall be liable and chargeable to make good the same, out of the Assetts of such Testator or Intestate.

CHAP. VII.

An ACT for reviving Two Statutes lately expired, and making them Perpetual; and for avoiding unnecessary Sutes and Delays.

WHEREAS in a Parliament held in the Seventeenth and Eighteenth Years of the Reign of King Charles the Second, the several Statutes hereafter mentioned, were enacted (*vizt.*) One Act [intituled, An Act to prevent Delays in Extending Statutes, Judgments, and Recognizances] And one other Act [intituled, An Act to prevent Arrests of Judgments, and Superseding Executions] Both which Acts are now expired; but by Experience have been found to be good and profitable Laws for this Kingdom, and fit to be Revived and made Perpetual.

Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That the said several Statutes, and every of them, and all and every the Branches and Clauses in them, and

every of them contained, are hereby revived, and shall from henceforth be, remain, and continue in Force and Effect for ever.

And be it further enacted by the Authority aforesaid, That in all Actions Real and Personal, or Mixt, the Death of either Party between the Verdict and the Judgment shall not be hereafter alledged for Error, so as Judgment be entered within two Terms after such Verdict.

CHAP. VIII.

An Act for Redress of Inconveniencies for want of Proof of the Deceases of Persons beyond the Seas, or absenting themselves, upon whose Lives Estates do depend.

WHEREAS divers Lords of Manors and others, have used to grant Estates by Lease, for one or more Life or Lives, or else for Years determinable upon one or more Life or Lives; And it hath often happened that such Person or Persons for whose Life or Lives such Estates have been granted, have gone beyond the Seas, and absented themselves for many Years, that the Lessors and Revertioners cannot find out whether such Person or Persons be Alive or Dead, by reason whereof such Lessors and Revertioners have been held out of Possession of their Tenements for many Years after all the Lives upon which such Estates depend are Dead, in regard that the Lessors and Revertioners, when they have brought Actions for the Recovery of their Tenements, have been put upon it to prove the Death of their Tenants, when it is almost Impossible for them to discover the same. For Remedy of which Mischief so frequently happening to such Lessors or Revertioners;

Be it Enacted by the King's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That if such Person or Persons for whose Life or Lives such Estates have been, or shall be granted as aforesaid, shall remain beyond the Seas, or elsewhere absent themselves in this Realm by the space of Seven Years together, and no sufficient and evident Proof be made of the Lives of such Person or Persons respectively in any Action commenced for the recovery of such Tenements by the Lessors or Revertioners, their Heirs or Assigns: The Judges before whom such

such Action shall be brought, shall direct the Jury to give their Verdict as if the Person so remaining beyond the Seas, or otherwise absenting himself, were Dead.

And be it further enacted, That in any such Action, wherein the Life or Death of any such Person or Persons shall come in question between the Lessor or Revertioner, and the Tenant in Possession; it shall and may be Lawful for the Lessor or Revertioner to take Exception to any of the Jurors returned for the Tryal of that Cause, that the greatest part of the Real Estate of any such Juror is held by Lease for Life or Lives, who upon proof thereof shall be set aside as in case of other Legal Challenges.

Provided always, and be it Enacted, That if any Person or Persons shall be Evicted out of any Lands or Tenements, by Vertue of this Act, and afterwards if such Person or Persons, upon whose Life or Lives such Estate or Estates depend, shall return again from beyond the Seas, or shall, on proof in any Action to be brought for recovery of the same, be made appear to be Living, or to have been Living at the time of the Eviction, that then, and from thenceforth the Tenant or Lessee who was outed of the same, his or their Executors, Administrators or Assigns, shall or may Re-enter, Re-possess, Have, Hold, and Enjoy the said Lands or Tenements, as in his or their former Estate, for and during the Life or Lives, or so long Term as the said Person or Persons, upon whose Life or Lives the said Estate or Estates depend, shall be Living; and shall also upon Action or Actions to be brought by him or them against the Lessors, Revertioners or Tenants in Possession, or other Persons respectively, which since the time of the said Eviction received the Profits of the said Lands or Tenements, recover for Damages the full Profits of the said Lands or Tenements respectively, with Lawful Interest, for and from the time that he or they were outed of the said Lands or Tenements, and kept and held out of the same by the said Lessors, Revertioners, Tenants, or other Persons, who after the said Eviction received the Profits of the said Lands or Tenements, or any of them respectively, as well in the Case where the said Person or Persons, upon whose Life or Lives such Estate or Estates did depend, are, or shall be Dead at the time of bringing the said Action or Actions as if the said Person or Persons were then Living.

CHAP. IX.

An ACT for the more effectual Suppreſſing of prophane Curſing and Swearing.

WHEREAS it is found by Experience, that an Act of Parliament, made in the Tenth and Eleventh Years of the Reign of King Charles the Firſt, Intituled, An Act to prevent and reform prophane Swearing and Curſing, hath proved Ineffectual to the Suppreſſing of thoſe deteſtable Sins, by reaſon of ſome Deficiency in the ſaid Act.

Be it therefore enacted by the King's moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That if any Perſon or Perſons ſhall after the Fifth Day of November, in this preſent Year of our Lord, One thouſand ſix hundred ninety and five, prophanely Swear and Curſe in the preſence or hearing of any Juſtice of Peace of the County, Diviſion, or of the Mayor, or other Head-Officer or Juſtice of Peace, for any City or Town Corporate, where ſuch Offence is, or ſhall be committed, or that ſhall be thereof convicted by the Oath of one Witneſs, or by the Confeſſion of the Party Offending, before any Juſtice of the Peace of the County, or Mayor, or Bayliff or other Chief Officer, or Juſtice of the Peace of ſuch City, or Town Corporate, where the ſaid Offence ſhall be committed, That then for every ſuch Offence the Party ſo Offending, ſhall forfeit and pay to the uſe of the Poor of the Pariſh where ſuch Offence or Offences ſhall be committed, the reſpective Sums herein after mentioned, that is to ſay, Every Servant, Day-Labourer, Common Soldier, and Common Seaman, One Shilling, and every other Perſon Two Shillings; And in caſe any of the Perſons aforeſaid, ſhall after Conviction Offend a ſecond time, ſuch Perſons ſhall forfeit and pay double, and if a third time, treble the Sum reſpectively by him or her to be paid for the firſt Offence.

And it is hereby further enacted, That upon neglect or refuſal of Payment of the ſaid Forfeiture, any Juſtice of Peace of the County, or Mayor, or other Head-Officer, or Juſtice of Peace of any City or Town Corporate where the ſaid Offence ſhall be committed, ſhall, and are hereby authorized and required to direct and ſend his Warrant to the Conſtable, Tything-Man, Church-Warden or Overſeer of the Poor of the Pariſh where the Offence ſhall be committed, or where the Offender ſhall Inhabit, there-

thereby Commanding them, or some one or more of them, to Levy by Distress and Sale of the Goods of the Offender, the Sum so forfeited for the use of the Poor of the Parish, as aforesaid; And in case no such Distress can be had, then every such Offender, being above the Age of Sixteen Years, shall by Warrant under the Hand and Seal of the said Justice of Peace, or other Officer, as aforesaid, be publickly set in the Stocks, for the space of One Hour for every single Offence, and for any Number of Offences whereof he shall be convicted at one and the same time, then Two Hours; And if the Party Offending be under the Age of Sixteen Years, and shall not forthwith Pay the said Forfeitures, then he or she shall by Warrant, as aforesaid, be Whipt by the Constable, or by the Parent, Guardian or Master of such Offender, in the presence of the Constable.

And be it further enacted, That if any Justice of the Peace or Chief Magistrate shall wilfully and willingly omit the performance of his Duty in the Execution of this Act, he shall Forfeit the Sum of Five Pounds; the one Moyety to the use of the Informer, to be recovered by Action, Sute, Bill or Plaint, in any of His Majesty's Courts, wherein no Essoyne, Protection or Wager of Law shall be allowed, nor any more than one Imparlance granted.

And it is hereby further enacted, That if any Action or Sute shall be commenced or brought against any Justice of Peace, Constable, or other Officer or Person whatsoever, for doing or causing to be done, any thing in pursuance of this Act, concerning the said Offences, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence; And if upon such Action Verdict be given for the Defendant, or the Plaintiff become Non-sute, or discontinue his Action, then the Defendant shall have treble Costs.

Provided always, and it is hereby enacted, That no Person shall be prosecuted or troubled for any Offence against this Statute, unless the same be proved or prosecuted within Ten Days next after the Offence committed.

And it is further enacted by the Authority aforesaid, That this Act shall be publickly Read Four times in the Year, in all Parish Churches, and all publick Chappels, by the Parson, Vicar or Curate of the respective Parishes or Chappels immediately after Morning Prayers on four several Sundays, that is to say, The Sunday next after the Fifth Day of November, in this present Year of our Lord, One thousand six hundred ninety five; The Fifth Day of February following; The Fifth Day of May, which will be in the Year of our Lord, One thousand six hundred ninety six; And the Fifth Day of August following,

ing, under the pain of Twenty Shillings for every such Omission or Neglect.

And be it further enacted by Authority aforesaid, That the Justices of Peace, Mayor, or other Head Officer shall Register in a Book to be kept for that purpose, all the Convictions made before him upon this Act, and the time of making thereof, and for what Offence; And shall certifie the same to the next General Quarter Sessions of the Peace for the said County, or Place where the Offences are committed, to be there kept upon Record by the respective Clerks of the Peace, to be seen without Fee or Rewards.

CHAP. X.

An ACT to take away Damage Clear.

WHEREAS the Moneys which are taken by Prothonotaries of Your Majesty's Courts of King's-Bench, and Common-Pleas, and by the Clerk of Your Majesty's Court of Exchequer at Dublin, and the Clerks and Prothonotaries in any other Court within this Realm, in the Name of Damna Clericorum, or Damage Clear, are an unnecessary Charge and Burthen to all Your Majesty's Subjects, who have good Cause and put to Sue for Damage in Actions where Damages are recoverable: For avoiding of which Inconveniency for the future, and that Your Majesty's Subjects may have an easier means for the Recovery of their Damages and Just Rights which are unjustly detained from them; May it please Your most Excellent Majesty, that it may be enacted, and His most Excellent Majesty, being willing upon all Occasions to ease His Subjects of all unnecessary Charges and Burthens, is Graciously pleased that it be enacted.

And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due, Payable, Taken or Received from any Person or Persons in any Action whatsoever, sued or prosecuted in any of His Majesty's Courts at Dublin, or elsewhere within the Kingdom of Ireland, by any Prothonotary, Clerk or Clerks, or other Officer or Officers of the said Courts respectively, and that the said Fee of Damna Clericor. or Damage Clear, shall wholly cease, and be for ever abolished in the said Courts; and that if any Prothonotary, Clerk or Clerks, or other Officer

rer in any of the ſaid Courts, ſhall take or exact any Sum or Sums of Money in the Name of Damna Clericor. or Damage Clear, or any thing in Lieu thereof, or if any of the ſaid Prothonotaries Clerk or Clerks, or their Deputies, ſhall exact or take any Damage Clear, or Sum of Money, Bond or Security in Lieu thereof, from any Plaintiff or Plaintiffs, Demandant or Demandants, in any Action where Damages have been, or hereafter ſhall be recovered in any of the ſaid Courts, or ſhall refuſe or delay to Sign any Judgment until Damage Clear be firſt Paid by the Plaintiff or Demandant, he or they ſo offending ſhall forfeit treble the Sum ſo taken, exacted or demanded to the Party or Parties grieved, to be recovered by Bill, Plaint, or Information in any of the ſaid Courts, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed.

CHAP. XI.

An ACT, to take away the Benefit of Clergy from him that doth Stab another, not having a Weapon Drawn.

TO the end that Stabbing and Killing Men on the ſudden, done and committed by many Inhumane and wicked Perſons in the time of their Rage, Drunkenneſs, hidden Diſpleaſure, or other paſſion of Mind, contrary to the Commandment of Almighty God, and the common Peace and Tranquility of this Realm, may from henceforth be reſtrained for fear of due Puniſhment to be inflicted on ſuch Cruel and Bloody Malefactors, who heretofore have been thereunto emboldened by preſuming on the Benefit of the Clergy.

Be it therefore enacted by the King's moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon and Perſons who after the end of this preſent Parliament ſhall Stab or Thruſt any Perſon or Perſons that hath not then any Weapon Drawn, or that hath not then firſt Stricken the Party which ſhall ſo Stab or Thruſt, ſo as the Perſon or Perſons ſo Stabbed or Thruſt ſhall thereof Die within the ſpace of Six Months then next following, although it cannot be proved that the ſame was done of Malice Fore-thought, yet the Party ſo Offending, and being thereof convicted by Verdict of Twelve Men, Confeſſion, or otherwiſe,

according to the Laws of this Realm, shall be excluded from the Benefit of his or their Clergy, and suffer Death as in Case of Felony, without Benefit of Clergy.

Provided always, That this Act, or any thing therein contained, shall not extend to any Person or Persons which shall kill any Person Se Defendendo, or by Misfortune, or in any other Manner than as aforesaid; nor shall extend to any Person or Persons, who, in keeping and preserving the Peace, shall chance to commit Manslaughter, so as the said Manslaughter be not committed wittingly, willingly, and of Purpose, under Pretext and Colour of keeping the Peace; nor shall extend to any Person or Persons, which, in chastizeing or correcting his Child or Servant, shall, besides his or their Intent and Purpose, chance to commit Manslaughter.

CHAP. XII.

An Act for prevention of Frauds and Perjuries.

FOR prevention of many Fraudulent Practices which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury.

Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That from and after the Feast Day of the Nativity of St. John Baptist, which shall be in the Year of our Lord, One thousand Six hundred, Ninety Six, all Leases, Estates, Interests, Freeholds or Terms of Years, or any uncertain Interest of, into, or out of Messuages, Manours, Lands, Tenements or Hereditaments made and created by Livery of Seizen only, or by Parole, and not put in Writing, and Signed by the Parties so making and creating the same, or their Agents thereunto lawfully authorized, by Writing, shall have the force and effect of Leases and Estates at Will only; And shall not either in Law or Equity be deemed or taken to have any other or greater force and effect, any Consideration for making such Parole, Leases or Estates, or any former Law or Usage to the contrary notwithstanding: Except nevertheless all Leases not exceeding the Term of three Years from the making thereof, whereupon the Rent reserved to the Landlord, during such Term, shall amount unto two third Parts, at the least, of the full improved Value of the thing demised.

And

And moreover that no Eſtates, Leaſes or Intereſts, either of Freehold or Term of Years, or any uncertain Intereſt not being Copy-hold or Cuſtomary Intereſt, of, into, or out of any Meſſuages, Lands, Tenements, or Hereditaments, ſhall at any time after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the ſaid Year of our Lord God, One thouſand, Six hundred, Ninety and Six, be aſſigned, granted, or ſurrendered, unleſs it be by Deed, or Note in Writing, ſigned by the Parties ſo Aſſigning, Granting, or Surrendring the ſame, or their Agents thereunto lawfully authorized by Writing, or by Act and Operation of Law.

And be it further enacted, by the Authority aforeſaid, That from and after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the ſaid Year of our Lord, One thouſand Six hundred and Ninety Six, no Action ſhall be brought whereby to charge any Executor or Adminiſtrator upon any ſpecial Promiſe, to anſwer Damages out of his own Eſtate, or whereby to charge the Defendant upon any ſpecial Promiſe to anſwer for the Debt, Default, or Miſcarriage of another Perſon, or to charge any Perſon upon any Agreement made upon Conſideration of Marriage, or upon any Contract or Sale of Lands, Tenements, or Hereditaments, or any Intereſt in, or concerning them, or upon any Agreement that is not to be performed within the Space of one Year from the making thereof, unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum, or Note thereof ſhall be in Writing, and ſigned by the Party to be charged therewith, or ſome other Perſon thereunto by him lawfully authorized.

And be it further enacted, by the Authority aforeſaid, That from and after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the ſaid Year of our Lord, One thouſand, Six hundred, Ninety and Six, all Deviſes and Requeſts of any Lands, Tenements, or Hereditaments, Deviſable, either by force of the Statute of Wills, or by this Statute, or by force of the Cuſtom of any Burrough, or any other particular Cuſtom, ſhall be in Writing, and ſigned by the Party ſo deviſing the ſame, or by ſome other Perſon in his Preſence, and by his expreſs Directions, and ſhall be Atteſted and Subſcribed in the Preſence of the ſaid Deviſor, by three or more credible Witneſſes, or elſe they ſhall be utterly void and of none effect.

And moreover no Deviſe in Writing of any Lands, Tenements or Hereditaments, that at any time after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the ſaid Year of Our Lord God, One thouſand, Six hundred, Ninety and Six, be re-

vocable, otherwiſe than by ſome other Will or Codicil in Writing, or other Writing declaring the ſame, or by Burning, Cancelling, Tearing or Obliterating the ſame by the Teſtator himſelf, or in his Preſence, and by his Directions and Conſent; but all Deviſes and Requeſts of Lands and Tenements ſhall remain and continue in Force until the ſame be Burnt, Cancelled, Torn or Obliterated by the Teſtator, or his Directions in manner aforeſaid; or unleſs the ſame be altered by ſome other Will or Codicil in Writing, or other Writing of the Deviſors, ſigned in the Preſence of three or more Witneſſes declaring the ſame, any former Law or Uſage to the contrary notwithſtanding.

And be it further enacted, by the Authority aforeſaid, That from and after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the ſaid Year of Our Lord God, One thouſand, Six hundred, Ninety and Six, all Declarations or Creations of any Truſts, or Confidences of any Lands, Tenements, or Hereditaments, ſhall be manifeſted and proved by ſome Writing ſigned by the Party, who is by Law enabled to declare ſuch Truſt, or by his laſt Will in Writing, or elſe they ſhall be utterly void and of none effect.

Provided always, that where any Conveyance ſhall be made of any Lands or Tenements, by which a Truſt or Confidence ſhall or may ariſe by Implication or Conſtruction of Law, or to be transferred or extinguiſhed by Act or Operation of Law, then, and in every ſuch Caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect, as the ſame would have been if this Statute had not been made, any thing herein before contained to the contrary notwithſtanding.

And be it further enacted, That all Grants and Aſſignments of any Truſt or Confidence ſhall likewiſe be in Writing, ſigned by the Party Granting or Aſſigning the ſame, or by ſuch laſt Will and Deviſe, or elſe ſhall likewiſe be utterly void and of none effect.

And be it further enacted, by the Authority aforeſaid, That from and after the ſaid Feaſt Day of the Nativity of St. John the Baptiſt, which ſhall be in the Year of Our Lord God, One thouſand Six hundred and Ninety Six, it ſhall and may be lawful for every Sheriff, or other Officer, to whom any Precept or Writ is, or ſhall be directed at the Suite of any Perſon or Perſons of, for, and upon any Judgment, Statute or Recognizance hereafter to be made or had, to do, make and deliver Execution unto the Party in that behalf ſueing, of all ſuch Lands, Tenements, Rectories, Tyths, Rents, and Hereditaments, as any other Perſon or Perſons be in any manner of wiſe ſeized or poſſeſſed in truſt for him,

him againſt whom Execution is ſo ſued, like as the Sheriff or other Officer might or ought to have done if the ſaid Party againſt whom Execution hereafter ſhall be ſo ſued had been ſeized of ſuch Lands, Tenements, Rectories, Tythes, Rents, or other Hereditaments of ſuch Eſtate as they be ſeized of in Truſt for him at the time of the ſaid Execution ſued; which Lands, Tenements, Rectories, Tythes, Rents, or other Hereditaments, by Force and Vertue of ſuch Executions ſhall accordingly be held and enjoyed, freed and diſcharged from all Incumbrances of ſuch Perſon or Perſons as ſhall be ſo ſeized or poſſeſſed in Truſt for the Perſon againſt whom ſuch Execution ſhall be ſued: And if any Ceſtuque Truſt hereafter ſhall dye, leaving a Truſt in Fee-Simple, to deſcend to his Heirs, there and in every ſuch Caſe, ſuch Truſt ſhall be deemed and taken, and is hereby declared to be Aſſetts by Deſcent, and the Heir ſhall be lyable to and chargeable with the Obligation of his Anceſtor, for or by Reaſon of ſuch Aſſetts as fully and amply as he might and ought to have been, if the Eſtate in Law had deſcended to him in Poſſeſſion in like Manner as the Truſt deſcended, any Law, Cuſtom or Uſage to the contrary in any wiſe notwithſtanding.

Provided always, That no Heir who ſhall become chargeable by Reaſon of any Eſtate or Truſt made Aſſetts in his Hands by this Law, ſhall by Reaſon of any kind of Plea, or Confeſſion of the Action, or ſuffering Judgment by Nient de dire, or any other matter be chargeable to pay the Condemnation out of his own Eſtate, but Execution ſhall be ſued of the whole Eſtate ſo made Aſſetts in his Hands, by Deſcent, in whoſe Hands ſoever it ſhall come after the Writ purchaſed in the ſame Manner as it is to be at, and by the common Law, where the Heir at Law Pleading a true Plea, Judgment is prayed againſt him thereupon, any thing in this preſent Act contained to the contrary notwithſtanding. And for the Amendment of the Law in the Particulars following.

Be it further enacted, by the Authority aforeſaid, That from henceforth any Eſtate pur auter vie, ſhall be deviſeable by a Will in Writing, ſigned by the Party ſo deviſing the ſame, or by ſome other Perſon in his preſence, and by his expreſs Direction Atteſted and Subſcribed in the Preſence of the Diviſor, by three or more Witneſſes; And if no ſuch Deviſe thereof be made, the ſame ſhall be chargeable in the Hands of the Heir, if it ſhall come to him by Reaſon of a ſpecial Occupancy, as Aſſetts by Deſcent, as in Caſe of Lands in Fee-Simple, and in Caſe there be no ſpecial Occupant thereof, it ſhall go to the Executors or Adminiſtrators of the Party that had

the Estate thereof by Vertue of the Grant, and shall be Assetts in their Hands.

And whereas it hath been found Mischievous, That Judgments in the King's Courts at Dublin, do many times relate to the first Day of the Term whereof they are entred, or to the Day of the Return of the Original, or Fileing the Bail, and bind the Defendants Lands from that Time, although in Truth they were acknowledged, or suffered, or signed in the Vacation-Time after the said Term, whereby many Times Purchasers find themselves aggrieved.

Be it enacted therefore, by the Authority aforesaid, That from and after the said Feast-Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety six, any Judge or Officer in his Majesty's Courts at Dublin, that shall sign any Judgment, shall, at the Signing of the same, without Fee for so doing of the same, set down the Day of the Month, and Year, of his so doing, upon the Paper, Book, Docket or Record, which he shall sign; which Day of the Month and Year, shall be also entered upon the Margent of the Roll of the Record, where the said Judgment shall be entered.

And be it enacted, That such Judgments as against Purchasers, bona fide, for valuable Considerations of Lands, Tenements or Hereditaments, to be charged thereby, shall in consideration of Law be Judgments only from such time as they shall be so signed, and shall not relate to the first Day of the Term whereof they are entred, or the Day of the Return of the Original, or Fileing the Bail, any Law, or Usage, or Course of any Court to the contrary notwithstanding.

And be it further enacted, by the Authority aforesaid, That from and after the said Feast-Day of the Nativity of Saint John the Baptist, which shall be in the said Year of our Lord God, One thousand six hundred ninety and six, no Writ of fier. fac. or other Writ of Execution, shall bind the Property of the Goods of the Party against whom such Writ of Execution is sued forth, but from the Time such Writ shall be delivered to the Sheriff, Under-Sheriff or Coroner, to be executed. And for the better Manifestation of the said Time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall, upon the Receipt of any such Writ, without Fee for doing the same, endorse, upon the Backside thereof, the Day of the Month, and Year, whereon he or they received the same.

And be it further enacted, by the Authority aforesaid, That from and after the said Feast-Day of the Nativity of Saint John the Baptist, which shall be in the said Year of

of our Lord God, One thouſand ſix hundred and ninety ſix, no Contract for the Sale of any Goods, Wares or Merchandizes, for the Price of Ten Pounds, ſterl. or upwards, ſhall be allowed to be good, except the Buyer ſhall accept Part of the Goods ſo ſold, and actually receive the ſame, or give ſomething in Earneſt to bind the Bargain, or in Part of Payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain be made and ſigned by the Parties to be charged by ſuch Contract, or other Agents thereunto lawfully authorized.

And be it further enacted, by the Authority aforeſaid, That the Day of the Month and Year of the Inrolment of the Recognizances, ſhall be ſet down in the Margent of the Roll where the ſaid Recognizances are inrolled; and that from and after the ſaid Feaſt-Day of Saint John the Baptiſt, which ſhall be in the ſaid Year of our Lord God, One thouſand ſix hundred and ninety ſix, no Recognizances ſhall bind any Lands, Tenements or Hereditaments, in the Hands of any Purchaſer, bona fide, and for valuable Conſideration, but from the Time of ſuch Inrolment, Any Law, Uſage, or Courſe of any Court, to the contrary notwithſtanding.

And for Prevention of fraudulent Practices in Setting up nuncupative Wills, which have been the Occaſion of much Perjury,

Be it enacted by the Authority aforeſaid, That from and after the ſaid Feaſt-Day of Saint John the Baptiſt, which ſhall be in the ſaid Year of our Lord God, One thouſand ſix hundred ninety ſix, no nuncupative Will ſhall be good, where the Eſtate, thereby Bequeathed, ſhall exceed the Value of Thirty Pounds, that is not proved by the Oaths of Three Witneſſes (at leaſt) that were preſent at the Making thereof; Nor unleſs it be proved, That the Teſtator, at the Time of Pronouncing the ſame, did bid the Perſons preſent, or ſome of them, bear Witneſs that ſuch was his Will, or to that Effect; Nor unleſs ſuch nuncupative Will were made in the Time of the Laſt Sickneſs of the Deceaſed, and in the Houſe of his or their Habitations or Dwelling, or where he or ſhe hath been Reſident for the Space of Ten Days, or more, next before the Making of ſuch Will; except where ſuch Perſon were ſurprized or taken ſick, being from his own Home, and died before he returned to the Place of his or her Dwelling.

And be it further enacted, That after Six Months paſſed, after the Speaking of the pretended Teſtamentary Words, no Teſtimony ſhall be received to prove any Will Nuncupative, except the ſaid Teſtimony, or the Subſtance thereof, were committed to Writing within Six Days after the Making of the ſaid Will.

And be it further enacted, That no Letters Testamentary or Probate of any Nuncupative Will, shall pass the Seal of any Court till Fourteen Days, at the least, after the Decease of the Testator, be fully expired; Nor shall any Nuncupative Will be received to be proved, unless Process have first issued to call in the Widow or next of Kindred to the Deceased, to the End they may contest the same, if they please.

And be it further enacted, That no Will, in Writing, concerning any Goods or Chattels, or Personal Estate, shall be repealed; Nor shall any Clause, Devise or Bequest therein, be altered or changed by Words or Will, by Word of Mouth only, except the same be, in the Life of the Testator, committed to Writing; and, after the Writing thereof, read unto the Testator, and allowed by him, and proved to be so done, by Three Witnesses, at the least.

Provided always, That notwithstanding this Act, any Soldier, being in actual Military Service, or any Mariner or Seaman, being at Sea, may dispose of his Moveables, Wages, and Personal Estate, as he or they might have done before the Making of this Act.

And it is hereby declared, That nothing in this Act shall extend to alter or change the Jurisdiction or Rights of Probates of Wills, concerning Personal Estates; but that the Prerogative Court of the Arch-Bishop of Armagh, and other Ecclesiastical Courts, and other Courts, having Right to the Probate of such Wills, shall retain the same Right and Power as they had before, in every Respect; Subject, nevertheless, to the Rules and Directions of this Act.

CHAP. XIII.

An ACT for the more easy Discharging of Sheriffs upon their Accounts: And from being Justices of the Peace.

WHEREAS divers Sheriffs of Counties within this Kingdom of IRELAND, have been often troubled and vexed long time after they have respectively passed their Accounts, and obtained their Quietus est; and charged anew with Arrearages, Debts and Sums of Money pretended to have been by them levied or received, and not by them formerly accounted for, to the great discouragement of others, to take upon them the said Office; His most Excellent Majesty is therefore Graciously pleased that it may be enacted,

And

And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by Authority of the same, That all and every Sheriff or Sheriffs who already have passed their Accounts, and obtained their Quietus: And all and every Sheriff or Sheriffs who hereafter shall pass his or their Accounts, and have his or their Quietus est, that then, and from thenceforth the said Sheriff and Sheriffs, his and their Heirs, Executors and Administrators, Lands, Tenements, Goods and Chattles are, and shall be absolutely discharged of and from all manner of Sum and Sums of Money, which he or they shall have so levied or received, and pretended not to be accounted for within the said Account, whereupon he or they had his or their Quietus est, unless such Sheriff or Sheriffs, their Executors, or Administrators have been or shall be called in Question for such Sum or Sums of Money, to be levied or received, and not accounted for within the space of Four Years after the time of such Account passed, and Quietus est obtained.

And that every Officer or Minister that shall send out, or cause to be sent out, any Writ, or Process, or by whose Default any Writ or Process shall be sent out, contrary to the Tenor of this Act, shall for every such Offence Forfeit and Pay to the Party grieved, by such Writ or Process, the Sum of Forty Pounds, with his Costs and Damages, the said Sum of Forty Pounds: And the said Costs and Damages to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Dublin, at the election of the Plaintiffs or Prosecutors, wherein no Priviledge, Protection, Essoyn, or Wager of Law shall be allowed to the Defendant.

And be it further enacted by the Authority aforesaid, That every such Offender being three Times Lawfully Convicted of any such Offence or Offences, contrary to the true meaning of this Act, shall from and after such their said Conviction be utterly disabled to hold or execute by himself, his Deputy or Deputies, any Office or Imployment in any Court of Justice whatsoever.

And whereas divers Persons being in Commission of the Peace have been made Sheriffs or Sub-Sheriffs of the same County where they were in such Commission, or being Sheriffs or Sub-Sheriffs, have been after put into the Commission of the Peace in the County where they were Sheriffs or Sub-Sheriffs; and have exercised both the said Offices at once in the same County, which is found to be inconvenient. For Remedy whereof,

Be it enacted by the Authority aforesaid, That no Person or Persons, Having, Using or Exercising the Office of Sheriff or Sub-Sheriff, of or in any County or Counties, shall Use or Exercise the Office of Justice of the Peace in the same County or Counties where he or they shall be Sheriff or Sub-Sheriff, during the time that he or they shall Use or Exercise the said Office of Sheriff or Sub-Sheriff: And that all and every Act and Acts to be done, from and after the End of this present Session of Parliament, as a Justice of the Peace by any such Sheriff or Sub-Sheriff, during the time of his being Sheriff or Sub-Sheriff, shall be void and of none Effect, and shall Lose and Forfeit for every such Offence the Sum of Twenty Pounds, one Moiety thereof to be to the Use of His Majesty, His Heirs and Successors; the other Moiety to him who shall Sue for and Recover the same by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Dublin, wherein no Essoyn, Protection or Wager of Law, shall be allowed.

CHAP. XIV.

An ACT Declaring which Days in the Year shall be observed as Holy-Days.

WHEREAS many idle Persons refuse to Work at their lawful Calling and Labour on several Days in the Year, on pretence that the same is dedicated to some Saint, or pretended Saint, Patron or pretended Patron, for whom they have, or pretend to have, Reverence or Respect: And chuse rather to spend such Days in Idleness, Drunkenness, and Vice, to the scandal of Religion, rather than following and working in their Lawful Calling and Usual Imployment, which hath been found by Experience to tend very much to the Impoverishing and hindring the Improvement of this Kingdom. For Remedy whereof,

Be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That if any common Labourer, being hired, or other Servant retained, shall refuse to Work upon any other Day than the several Days hereafter mentioned, being thereunto required, upon the usual and accustomed Wages, (that is to say) All Sundays in the Year; The Day of the Feast of the Circumcision of Our Lord JESUS Christ; Of the Epiphany;

Epiphany; of the Converſion of Saint Paul; of the Puri-fication of the Bleſſed Virgin; of Saint Mathias the Apoſtle; of the Annunciation of the Bleſſed Virgin; of Saint Mark the Evangeliſt; of Saint Philip and Jacob the Apoſtles; of Saint Barnabas the Apoſtle; of the Aſcenſion of Our Lord Jesus Chriſt; of the Nativity of Saint John the Baptiſt; of Saint Peter the Apoſtle; of Saint James the Apoſtle; of Saint Bartholomew the Apoſtle; of Saint Matthew the Apoſtle; of Saint Michael the Arch-Angel; of Saint Luke the Evangeliſt; of Saint Simon and Saint Jude the Apoſtles; of All-Saints; of Saint Andrew the Apoſtle; of Saint Thomas the Apoſtle; of the Nativity of Our Lord; of Saint Stephen the Martyr; of Saint John the Evangeliſt; of the Holy-Innocents; Monday and Tueſday in Eaſter Week; Monday and Tueſday in Whitſon-Week; the twenty Third of October; Fifth of November; the Thirtieth Day of January, and twenty Ninth Day of May, Yearly. And that no other Day, except the Days aforeſaid, and ſuch other Days as on ſome extraordinary Occaſions ſhall hereafter be ſet a-part, by Order of His Majeſty, his Heirs and Succeſſors, or the Chief Governor or Governors of this Kingdom, for the time being, ſhall be kept, or commanded to be kept Holy, or to abſtain from lawful bodily Labour. Every ſuch Perſon or Perſons ſo refuſing, being thereof lawfully convicted by his, or their own Confeſſion, or by the Teſti-mony of one, or more, ſufficient Witneſs or Witneſſes, upon Oath, before any Juſtice of the Peace, in any County, Mayor, or other Chief Officer of any City, Burrough, Town or Corporation, who ſhall have Power by Vertue of this Statute to miniſter ſuch Oaths where the Offence ſhall be committed, or the Party offending apprehended, ſhall forfeit the Sum of two Shillings, to be paid at ſuch time, or to ſuch Perſon as by the ſaid Juſtice of the Peace, or other Chief Officer aforeſaid, ſhall be appointed, to be diſpoſed of to the Poor of the Pariſh where ſuch Offence ſhall be committed. And if ſuch Offender or Of-fenders ſhall neglect or refuſe to pay the ſaid Sums to be aſſeſſed or appointed, as aforeſaid, then the ſaid Juſtice of the Peace, or other Head-Officer, aforeſaid, ſhall com-mit all and every ſuch Offender and Offenders to ſome Conſtable, or other Inferior Officer of the County, City, Town, or Corporation, where the ſaid Offence ſhall be committed, or the Party apprehended, to be publickly whipped; which Puniſhment ſhall be publickly inflicted and executed upon ſuch Offenders, within the ſpace of twenty four Hours after ſuch Order made.

And be it enacted by the Authority aforeſaid, That if any Conſtable or Inferior Officer, aforeſaid, do refuſe, or do not at the Commandment of any Juſtice of the

Peace, or other Chief Officer of any County, City, Town, or Corporation, Execute by himself, or by some other, to be by him procured, the Punishment aforesaid, upon all such Offenders; That in that Case it shall and may be Lawful for the said Justice of the Peace, and all and every other Justice or Justices of the Peace, or Chief Officer of any such County, City, Town, or Corporation, upon sufficient Information thereof, to bind over such Constable, or Inferior Town-Officer, to the next General-Quarter-Sessions of the Peace, or General Assizes, or Goal-Delivery, which shall first happen there, to be proceeded against for such his Contempt: And in Case he shall be found Guilty thereof, upon Examination of one or more Witness or Witnesses, he shall be Fined at the Discretion of the Court, so as such Fine for every such Offence do not exceed the Sum of twenty Shillings.

Provided always, That no Justice of the Peace, or Head-Officer of any Town or Corporation, do execute this Statute for any Offence done unto himself, or whereof Complaint was not made within Ten Days after such Refusal to Work, as aforesaid: And all Justices of Assize and Goal-Delivery are hereby required to give this Act in Charge at every Assize or Goal-Delivery within the several Counties of their Circuits; and to Enquire of, Hear and Determine the Neglect of all Justices of the Peace, and others in the due Execution of this Statute.

CHAP. XV.

An ACT for granting a Supply to His Majesty, by raising Money by a Poll, and otherwise.

CHAP. XVI.

An ACT for granting unto His Majesty, an Aid or Additional Custom on the several Goods and Merchandizes therein mentioned.

WE Your Majesty's most Loyal Subjects, the Commons of Ireland, in Parliament Assembled, being convinced that the Supplies already granted unto Your Majesty this Session of Parliament, are not sufficient

ficient to answer Your Majesty's Occasions: And desiring to shew the Sense We have of the great Benefit We daily reap under Your most happy Government, which We resolve always to support with such necessary Supplies of Money, as Your Majesty's Affairs require, and the Condition of the Kingdom will bear, have given and granted unto Your Excellent Majesty, an Aid or Additional Duty, to be raised and levied upon the Goods and Merchandizes following, (That is to say) On Tobacco, Old-Drapery, New-Drapery, Muslin, Callicoes; all Sorts of Linnen, Scotch-Cloth, and Wine that shall be Imported into this Kingdom, according to such Rates, and during such Time, and in such Manner and Form, as is herein after mentioned and expressed. And We humbly beseech Your Majesty, that it may be enacted.

And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That all Tobacco, Old-Drapery and New-Drapery, (except such Old and New Drapery that shall be of the Manufactury of England, and Imported thence) Muslin, Callicoes; All Sorts of Linnen, Scotch-Cloth, and Wines (except Wines of the Growth of Spain, and of the Dominions thereunto belonging) that shall be Imported into this Kingdom at any time, from and after the Day of the Royal Assent given to this Act, unto the Twenty-fifth Day of December, which will be in the Year of Our Lord God, One thousand, Six hundred, Ninety and nine, and no longer, shall answer and pay unto His Majesty, His Heirs and Successors, over and above all Rates and Duties due, or payable for, or out of the same, by Vertue of any former Law or Laws in Force, at the making of this Act, the Rates and Duties hereafter mentioned (that is to say) For every Pound Weight of Tobacco, Imported within the Time aforesaid, one Penny Half-penny, Sterl. And for every Yard of Old-Drapery Imported within the Time aforesaid, except as before excepted, Twelve-pence Sterl. And for every Yard of New-Drapery, Imported within the Time aforesaid, except as before excepted, Four-pence Sterl. And for every Ell of Muslin, Callico, and of all, and of every other Sorts of Linnen Imported, within the Time aforesaid (Scotch-Cloth excepted) Six-pence Sterl. And for every Yard of Scotch-Cloth Imported, within the Time aforesaid, Six-pence Sterl. And for every Tun of Wine (except Wines of the Growth of Spain, and of the Dominions thereunto belonging) Imported within the Time aforesaid, Three Pounds Sterl. And so proportionably for a greater or lesser Quantity.

And be it further enacted by the Authority aforesaid, That the said several Duties shall be raised, collected, levied and paid unto Your Majesty, Your Heirs and Successors, during the Time aforesaid, at the same Times, and in the same Manner and Places, and by such Rules, Means and Ways, and under such Penalties and Forfeitures as are mentioned and expressed in one Act of Parliament, made in a Session of Parliament, which began the Eighth Day of May, in the Thirteenth Year of the Reign of the late King Charles the Second, Intituled, An Act for settling the Excise, or New Impost, upon the said late King Charles the Second, His Heirs and Successors; the same to be paid upon Merchandizes Imported and Exported into, or out of the Kingdom of Ireland, according to the Book of Rates to the said Act annexed.

And whereas some Doubt hath lately arisen, whether Tobacco Imported into this Kingdom ought to pay, or is chargeable with, unto His Majesty, any greater Duty, upon any Account whatsoever, than Two-pence half-penny for every Pound Weight, by Vertue of any Law or Laws in Force, before the making of this Act. For the settling whereof, and for Prevention of all Controversy for the future, touching the same,

Be it enacted and declared by the Authority aforesaid, That no more than Two-pence half-penny for every Pound Weight of Tobacco, Imported into this Kingdom, was, or is payable, or do, or did of Right belong unto His Majesty, or any of His Predecessors, by Vertue of any Act or Acts of Parliament, or Law whatsoever in Force in this Kingdom, before, or at the Time of the passing of this present Act, other than the Additional Duty of one Penny half-penny per Pound, charged as aforesaid.

Provided always, And be it Enacted, by the Authority aforesaid, That the Merchant, or other Importer of any Tobacco so charged as aforesaid, with the said Additional Duty of one Penny half-penny per Pound Weight, shall have like Time for Payment of such Additional Duty as they had, or ought to have, by Vertue of the above-named Act of Excise, or New Impost; Any thing herein before contained to the contrary thereof, in any wise notwithstanding.

CHAP.

CHAP. XVII.

An ACT for the better Obſervation of the LORD's-Day, commonly called SUNDAY.

FOR the better Obſervation, and keeping Holy the Lord's-Day, commonly called Sunday.

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled; and by the Authority of the ſame, That all and every Perſon and Perſons whatſoever, ſhall on every Lord's-Day apply themſelves to the Obſervation of the ſame, by exerciſing themſelves thereon in the Duties of Piety and true Religion, publickly and privately: And that no Tradeſman, Artificer, Workman, Labourer, or other Perſon whatſoever, ſhall do or exerciſe any worldly Labour, Buſineſs or Work of their ordinary Callings upon the Lord's-Day, or any Part thereof (Works of Neceſſity and Charity only excepted.) And that every Perſon being of the Age of Fourteen Years, or upwards, offending in the Premiſſes, ſhall for every ſuch Offence forfeit the Sum of Five Shillings. And that no Perſon or Perſons whatſoever ſhall publickly cry, ſhew forth, or expoſe to Sale any Wares, Merchandizes, Fruit, Herbs, Goods or Chattles whatſoever upon the Lord's-Day, or any Part thereof, upon Pain that every Perſon ſo offending ſhall forfeit the ſame Goods ſo cried, or ſhewed forth, or expoſed to Sale.

And it is further Enacted, That no Drover, Horſe-Courſer, Waggoner, Carrier, Butcher, Higler, their, or any of their Servants, ſhall travel, or come into his or their Inn, or Lodging upon the Lord's-Day, or any Part thereof, upon Pain that each and every ſuch Offender ſhall forfeit Twenty Shillings for ſuch Offence: And for Prevention of Diſorders and Breaches of the Peace, which commonly happen in divers Parts of the Kingdom, by reaſon of tumultuous and diſorderly Meetings, which have been, and frequently are, uſed on the Lord's-Day, commonly called Sunday, under Pretence of Hurling, Commoning, Foot-Ball Playing, Cudgels, Wreſtling, or other Sports.

Be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall play, uſe, or exerciſe any Hurling, Commoning, Foot-Ball Playing, Cudgels, Wreſtling, or any other Games, Paſtimes, or Sports on the Lord's-Day, or any Part thereof. And if

any Person or Persons shall offend therein, and be thereof convicted, in such Manner as herein after directed; Every such Person and Persons shall forfeit the Sum of Twelve-pence, Sterl. for every such Offence, to be immediately paid to such Justice of the Peace, Officer or Officers, before whom such Conviction shall be. And that if any Person offending against this Act, or any Thing therein contained, shall be thereof convicted before any Justice of the Peace of the County, or of the Chief Office or Officers, or any Justice of the Peace, of, or within any City, Burrough, or Town Corporate, where the said Offence shall be committed upon his or their View, or Confession of the Party, or Proof of any one, or more Witnesses, by Oath, which the said Justices, Chief Officer or Officers is by this Act authorized to administer: The said Justice, or Chief Officer or Officers shall give Warrant under his or their Hands and Seals, to the Constables or Church-Wardens of the Parish or Parishes where such Offence shall be committed, to seize the said Goods cried, shewed forth, or put to Sale, as aforesaid; And to sell the same: And to levy the said other Forfeitures or Penalties, by Way of Distress and Sale of the Goods of every such Offender distrained, rendring to the said Offender the Overplus of the Monies raised thereby. And in Default of such Distress, or in Case of Insufficiency, or Inability of the said Offender to pay the said Forfeitures and Penalties, That then the Party offending be set publickly in the Stocks by the Space of Two Hours, and all and singular the Forfeitures or Penalties aforesaid, shall be employed and converted to the Use of the Poor of the Parish, where the said Offences shall be committed, saving only that it shall and may be lawful, to and for any Justice, Mayor, or Head-Officer or Officers, out of the said Forfeitures or Penalties, to reward any Person or Persons that shall inform of any Offence against this Act, according to their Discretions; so as such Reward exceed not the Third Part of the Forfeitures or Penalties.

Provided, That nothing in this Act contained shall extend to the prohibiting of dressing Meat in Families, or dressing or selling of Meat in Inns, Cooks-Shops, or Victualling-Houses, for such as otherwise cannot be provided: Nor the crying or selling of Milk or Fish before Ten of the Clock in the Morning, or after Four of the Clock in the Afternoon: Nor to the using of Hackney-Coaches in or about the City of Dublin.

Provided also, That no Person or Persons shall be Impeached, Prosecuted or Molested, for any Offence beforementioned in this Act, unless he or they be prosecuted for the same within Ten Days after the Offence committed.

Provided;

Provided; And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, which shall Travel on the Lord's-Day, shall be then robbed, that no Hundred, or the Inhabitants thereof, shall be charged with, or answerable for any Robbery so committed; but the Person or Persons so robbed shall be barred from bringing any Action for the said Robbery, any Law to the contrary notwithstanding.

Nevertheless, The Inhabitants of the Counties, Hundreds, or Baronies, after Notice of any such Robbery to them, or some of them given; or after Hue and Cry for the same to be brought, shall make, or cause to be made, fresh Suite and Pursuite after the Offenders, with Horsemen and Foot-men, according to the Statute made in the Tenth Year of the Reign of King Charles the First, upon pain of Forfeiting to the King's Majesty, His Heirs and Successors, as much Money as might have been recovered against the said Hundred or Barony, by the Party Robbed, as if this Law had not been made.

Provided also, and be it enacted, That no Person or Persons upon the Lord's-Day, commonly called Sunday, shall serve, or execute, or cause to be served or executed, any Writ, Process, Warrant, Order, Judgment, or Decree (except in Cases of Treason, Felony, or Breach of the Peace) But that the Service of every such Writ, Process, Warrant, Order, Judgment or Decree, shall be Void to all Intents and Purposes whatsoever; And the Person and Persons so Serving or Executing the same, shall be as Liable to the Suit of the Party grieved, and to answer Damage to him for doing thereof, as if he or they had done the same without any Writ, Process, Warrant, Order, Judgment or Decree at all. And for the better preventing, Drinking and Intemperance on the Lord's-Day, commonly called Sunday.

Be it also enacted by the Authority aforesaid, That no Keeper of any Tavern, Ale-House, or publick Victualling-House, shall Receive, Entertain, or permit to Remain, in his House any Person or Persons during the Time of Divine Service, except those who are of their own Family or Lodgers in the said House; or furnish them with Wine, Ale, Beer, or other Liquor of any Sort, upon the penalty of forfeiting of Ten Shillings for every such Offence, to be Paid by every such Keeper of Taverns, Ale-Houses, or publick Victualling-Houses; and also, of the Sum of Five Shillings to be forfeited by every such Person or Persons who shall enter or remain in such Taverns, Ale-Houses, or Victualling-Houses, contrary to this Act.

And for the better Execution thereof, all Constables and Church-Wardens of Parishes, within the several Cities and Towns Corporate within this Realm, are commanded and required frequently, and as often as they have reasonable Cause so to do, to enter into all Taverns, Ale-Houses, and Victualling-Houses, within their Parishes or Districts, where they shall reasonably suspect any Person to be and remain, contrary to the intent of this present Act: And to Apprehend such Persons as they shall find or reasonably suspect to be Offenders against the same: And also the Master or Keeper of such House where such Offenders shall be apprehended; and them in Custody to carry before the next, or some other Justice of Peace near the place where such Person shall be apprehended; which Justice or Justices of the Peace, are hereby Impowered to Examine Witnesses upon Oath touching the breach of this Law: And after Examination to proceed to a Conviction or Acquittal of the Persons accused, which shall be final to all Parties. And if such Justice or Justices of the Peace shall upon Proof Convict the Persons accused to have Offended against this Law, the said Justice of Peace shall forthwith Demand from such Offenders the Penalties on them Intended to be imposed by this Act, and to receive the same; and in default of Payment, to commit the Offender to the Goal of the said County, till he shall have made payment of the same; which Sum so paid and received, shall be applyed to the use of the Poor of the respective Parishes where such Offences have been or shall be committed.

Provided nothing herein contained shall extend to Persons who have been in any Inns before the Lord's-day, commonly called Sunday, and design to Abide there on Sunday: But it shall and may be Lawful for such Persons to continue and remain in such Inns and Publick-Houses, as if this Act had never been made.

Provided always, That this Act shall Commence and take Effect on the First Day of November, in the Year of Our Lord, One thousand six hundred ninety five, and not before.

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CHAP. XVIII.

An ACT for taking Special Bails in the Country, upon Actions and Suits depending in the Courts of *King's-Bench*, *Common-Pleas*, and *Exchequer*, at *Dublin*.

FOR the greater eaſe and benefit of all Perſons whatſoever, in taking the Recognizances of Special Bail, upon all Actions and Suits depending, or to be depending, in any the Courts of King's-Bench, Common-Pleas, or Exchequer, at Dublin.

Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Chief Juſtice, and other the Juſtices of the Court of King's-Bench, for the time being, or any two of them, whereof the Chief Juſtice for the time being to be one, for the ſaid Court of King's-Bench, and the Chief Juſtice of the Court of Common-Pleas; and other the Juſtices there, for the time being, or any two of them whereof the Chief Juſtice of the ſame Court to be one, for the ſaid Court of Common-Pleas; and alſo, the Chief Baron and Barons of the Court of Exchequer, for the time being, or any two of them, whereof the Chief Baron, for the time being, to be one for the ſaid Court of Exchequer, may and are required, by one or more Commiſſion or Commiſſions, according to the Largeneſs of the ſeveral Counties under the ſeveral Seals of the ſaid reſpective Courts, from time to time as need ſhall require, Impower ſuch, and ſo many Perſons, other than common Attorneys and Solicitors, as ſhall be fit and neceſſary in all and every the ſeveral Counties within the Kingdom of IRELAND, to take and receive all and every ſuch Recognizance or Recognizances of Bail or Bails, as any Perſon or Perſons ſhall be willing or deſirous to acknowledge, or make before any of the Perſons ſo Impowered, in any Action or Suit Depending, or hereafter to be Depending, in the ſaid reſpective Courts, or any of them, in ſuch Manner and Form, and by ſuch Bail Piece, as the Juſtices and Barons of the ſaid reſpective Courts have uſed to take the ſame; For each of which Commiſſions there ſhall be paid Thirteen Shillings and Four-pence, and no more: Which ſaid Recognizance or Recognizances of Bail, or

Bail Piece ſo taken, as aforeſaid, ſhall be Tranſmitted to ſome, or one of the Juſtices or Barons of the ſaid reſpective Courts, where ſuch Action or Suit ſhall be Depending: And upon Affidavit made of the due taking of the Recognizance of ſuch Bail Piece, by ſome Credible Perſon preſent at the taking thereof, ſuch Chief Juſtice or Chief Baron, Juſtice or Baron, ſhall receive the ſame upon Payment of ſuch Fees as have been uſually received for the taking of Special Bails by the Juſtices and Barons Clerks, and other the Officers of the ſaid reſpective Courts: Which Recognizance of Bail, or Bail Piece ſo taken and tranſmitted ſhall be of the like Effect, as if the ſame were taken, de bene Eſſe, before any of the ſaid Juſtices and Barons. For the taking of every which Recognizance or Recognizances of Bail, or Bail Piece, the Perſon or Perſons ſo Impowered, ſhall receive only the Sum or Fee of Two Shillings, and no more.

And be it further enacted, by the Authority aforeſaid, That the Juſtices and Barons reſpectively, in the ſeveral Courts, ſhall make ſuch Rules and Orders for the juſtifying of ſuch Bails, and making the ſame abſolute, as to them ſhall ſeem meet; ſo as the Cognizor or Cognizors of ſuch Bail or Bails be not compelled to appear in Perſon in any of the ſaid Courts to Juſtifie him or themſelves; but the ſame may, and is hereby directed to be determined by Affidavit or Affidavits duly taken before the ſaid Commiſſioners, who are hereby impowered and required to take the ſame: And alſo to examine the Sureties upon Oath touching the Value of their reſpective Eſtates, unleſs the Cognizor or Cognizors of ſuch Bail do live within the City of Dublin, or within ten Miles thereof.

And be it further enacted, by the Authority aforeſaid, That any Judge of Aſſize in his Circuit, ſhall, and may take and receive all and every ſuch Recognizance and Recognizances of Bail or Bails, as any Perſon ſhall be willing and deſirous to make and acknowledge before him; which being tranſmitted in like manner, as aforeſaid, ſhall without Oath be received in manner, as aforeſaid, upon Payment of the uſual Fees.

And be it further enacted, by the Authority aforeſaid, That any Perſon or Perſons who ſhall before any Perſon or Perſons Impowered, by Vertue of this Act, as aforeſaid, to take Bail or Bails, Repreſent or Perſonate any other Perſon or Perſons, whereby the Perſon or Perſons ſo repreſented and perſonated, may be lyable to the Payment of any Sum or Sums of Money, for Debt or Damages, to be recovered in the ſame Suit or Action wherein ſuch Perſon or Perſons are repreſented and perſonated, as if they had really acknowledged and entred into the ſame, being lawfully convicted thereof, ſhall be adjudged,

adjudged, esteemed, and taken to be Felons, and suffer the Pains of Death; And Incur such Forfeitures and Penalties as Felons, in other Cases convicted or attainted, do by the Law of this Realm Lose and Forfeit.

CHAP. XIX.

An ACT for Granting Tales on Tryals, to be had in the Court of the County Palatine of *Tipperary*, before the Seneschal.

WHEREAS it has been found by Experience, that the Non-Appearance of Jurors hath been a great Delay to the doing Justice, and by Consequence very prejudicial to His Majesty's Subjects. For the Remedy whereof, in Cases to be tryed by Nisi prius, a good Law hath been enacted in this Kingdom, in the Tenth Year of the Reign of Charles the First, late King of England, *&c.* And Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*. And whereas all Tryals in the County Palatine Court of Tipperary are had at the Bar of the said Court, and can only be tryed by Jurors returned in the Venire, which hath been found to be very Grievous to all such Persons as have Right to Demand, or Recover any Lands, Tenements or Hereditaments, or other thing whatsoever within the said County Palatine. For Remedy whereof,

Be it enacted by the King's Most Excellent Majesty, with the Assent of the Lords Spiritual and Temporal, and Commons in this present Parliament, assembled, and by Authority of the same, That on all Tryals hereafter to be had in any Cause whatsoever in the said Court of the said County Palatine, to be held before the Seneschal thereof, upon the Jurors Non-Appearance, it shall and may be lawful for either Party, Plaintiff or Defendant, to demand a Tales de Circumstantibus, which shall be granted by the Court, and returned by the proper Officer and Officers in such Manner and Form: And to such effect and purpose as by the said Statute, made the Tenth Year of the Reign of the late King CHARLES the First, Intituled, An Act concerning the Appearance of Jurors in the *Nisi prius*, is provided upon Tryals of Nisi prius: And that all Tryals so had, shall for ever hereafter be adjudged, construed, and taken to be Valid and Sufficient in Law, notwithstanding any Exception that may or shall be taken, by Reason such Tryal or Tryals was or were had by Person or Persons returned upon the Tales, as aforesaid.

CHAP. XX.

An ACT concerning Fines in the County Palatine of *Tipperary*.

WHEREAS it is for the common Good and Advantage of the Publick, that the Estates of Purchasers for valuable Considerations, should be secured unto them, towards which nothing has conduced more than Fines levyed in due Form of Law. And whereas some Doubt may arise concerning the Validity of Fines levyed in the County Palatine Court of Tipperary, according to the Custom and Usage thereof, whereby the Estates of several of His Majesty's Subjects who have been, and may hereafter be, Purchasers of Lands, Tenements, and Hereditaments, being within the Jurisdiction of the said Palatinate, may to their great Prejudice be called in Question. For Remedy whereof,

Be it enacted, by Your Most Excellent Majesty, by and with the Advice of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and singular the Fines heretofore levyed in the Court of the said County Palatine, shall be of the same Force and Efficacy in Law, as Fines with Proclamations levyed before His Majesty's Justices of the Common-Pleas in this Kingdom, and that all and singular Fines, which at any time hereafter shall be levyed or acknowledged in any Term before the Judge or Judges in the said County Palatine of Tipperary, for the time being, of any Lands, Tenements, or other Hereditaments, lying, or being within the said County Palatine, which shall be openly read and proclaimed in the open Court, in the Presence of the Judge or Judges, in the Term held for the said Palatinate, being the same Term that the same shall fortune to be ingrossed; And also that shall be openly read and proclaimed in the Presence of the Judge or Judges of the said County Palatine of Tipperary, or one of them, for the time being, at two Terms that shall be holden in the said County Palatine of Tipperary, before the Judge or Judges of the same, or any one of them next after the levying and ingrossing of such said Fine, shall be of like, and of the same Force, Strength and Effect in the Law, to all Intents, Constructions and Purposes, as Fines being duly levyed with Proclamations before the King's Judges of his Common-Pleas at Dublin, be, or ought to be.

CHAP.

CHAP. XXI.

An ACT for the better Suppreſſing Tories, Robbers and Rapparees : And for Preventing Robberies, Burglaries, and other Heinous Crimes.

FOrasmuch as by the late Rebellion in this Kingdom, a great Part thereof hath been left Waſte and Deſolate; and the frequent Robberies, Murders, and other Notorious Felonies, Committed by Robbers, Rapparees and Tories, upon their Keeping, hath greatly Diſcouraged the Re-Planting of this Kingdom; the Papiſt Inhabitants thereof, Chuſing rather to ſuffer Strangers to be Robbed and Deſpoiled of their Goods, than to Apprehend or Convict the Offenders, of whom the greateſt Part are People of the ſame Country; and Countenanced, Harboured and Concealed by the Inhabitants thereof. For the Remedy of which Miſchiefs; And for the better Encouragement of Strangers to Plant and Inhabit this Your Majeſty's Kingdom of Ireland; And for the General Preſervation of the Peace and Property of Your Majeſty's Good Subjects therein;

May it pleaſe Your Majeſty, That it may be Enacted; And be it Enacted by the King's Moſt Excellent Majeſty, by and with the Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Inhabitants of every Barony or County, within this Kingdom, ſhall make full Satisfaction and Amends for all Robberies, Burglaries, Burning of Houſes or Haggards of Corn, Killing or Maiming of Cattle, which ſhall be Committed or Done by Robbers, Rapparees or Tories, within ſuch Barony or County, from and after the Royal Aſſent given to this Bill, in Manner and Form following, (That is to ſay) Where all or any of the Facts ſhall be Committed or Done by Rapparees, Robbers or Tories, as aforeſaid, that are or ſhall be Papiſts, or Reputed of the Popiſh Religion, the Popiſh Inhabitants of the Barony or County, wherein all or any of the ſaid Facts ſhall be Committed, ſhall make Satisfaction and Amends for the ſame: And where all or any of the ſaid Facts ſhall be Committed or Done by Robbers, Rapparees or Tories, as aforeſaid, that are or ſhall be Proteſtants, or Reputed to be of the Proteſtant Religion, the Proteſtant Inhabitants of the Barony or County,

wherein all or any of the said Facts shall be Committed, shall make Satisfaction and Amends for the same. And if it shall happen that all or any of the said Facts be Committed or Done by Popish and Protestant Robbers, Rapparees or Tories, as aforesaid, then, and in such Case, the Popish and Protestant Inhabitants of the Barony or County, wherein such Facts shall be Committed or Done, shall make Satisfaction and Amends for the same; and in such Proportion, and according to the Number of such Papists and Protestants as shall Commit the same, (That is to say) If Two Papists, and One Protestant, the Papist Inhabitants to Pay Two Shares, and the Protestants the remaining Third Part of the said Damages; and so, pro rata, in Case of a greater or lesser Number. And if all or any of the said Facts be Committed or Done in the Division or Meering of Two Baronies, or Two Counties, so as it shall be uncertain in which County or Barony the Fact or Facts were Committed; then, and in such Case, the Inhabitants of both Baronies, or both Counties, shall make Satisfaction and Amends for the same, in such Manner, and under such Distinction, as is hereby Declared.

And be it further Enacted, by the Authority aforesaid, That in all Cases, where the Damages do not Exceed the Sum of Ten Pounds, Sterling, the Inhabitants of the Barony and Franchizes within the Precincts thereof, wherein all or any of the said Facts shall be Committed, and not the County at Large shall make Satisfaction and Amends for the same, in such Manner, and with such Distinction, as aforesaid; And in all Cases where the Damages do Exceed the Sum of Ten Pounds, sterl. the Inhabitants of the County, wherein all or any of the said Facts shall be Committed, shall make Satisfaction and Amends for the same, in the Manner, and with the Distinction aforesaid: And that the Jury that shall Try any Action Commenced or Prosecuted on this Act, shall, in their Verdict, Ascertain the Person and Persons that Commit such Robbery, Burning of Houses, or Haggards of Corn, Killing or Maiming of Cattle, whether they were Papists or Protestants, and the Number of the One and the Other, as also the Damages, according to the Evidence that shall be, on the Tryal, offered to them.

And be it further enacted, by the Authority aforesaid, That every Person and Persons, so as aforesaid, Robbed or Damnified, may be hereby Enabled to Sue for, and Recover his or their Damages, against any Inhabitant of the said County or Barony, who by this Act, shall be made liable to Answer any Part thereof; And that immediately after such Recovery and Execution against

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the ſaid Inhabitants, all other the Inhabitants of the ſaid Barony or County, who, by this Act, ſhall be made Liable to all or any Part of the ſaid Damages, ſhall be Ratably and Proportionably Cared for, and towards an equal Contribution for the Relief of ſuch Inhabitant, againſt whom the ſaid Recovery and Execution is had; Which Tax ſhall be Made, Levyed and Raiſed, by ſuch Ways and Means, and in ſuch Manner and Form, as is Preſcribed and Mentioned in a former Statute [Intituled, An Act for the Following of Hue and Cry] made in the Tenth and Eleventh Years of the Reign of King Charles the Firſt, in this Kingdom.

And be it further Enacted, by the Authority aforeſaid, That no Perſon or Perſons ſhall Recover any Damages by Virtue of this Act, unleſs he or they, by themſelves, or by their Servants, within Twenty Four Hours after ſuch Robbery or Injury Done him or them, by any Robbers, Tories or Rapparees, or within Reaſonable Time after he ſhall be at Liberty, ſhall give Notice of ſuch Robbery or Miſchiefs Done and Committed, unto ſome of the Inhabitants of ſome Town, Village or Hamlet, near unto the Place where any ſuch Fact ſhall be Committed, and ſhall, within Four Days after ſuch Notice, Give in his, her or their Examination upon Oath, or of their Servant or Servants, that were in his or their Houſe, or that had the Care of his Corn, Stock or Goods, before ſome Juſtice of the Peace of the County, where ſuch Fact ſhall be Committed, Inhabiting within the Barony, where the ſaid Fact ſhall hereafter happen to be Committed, or near unto the ſame, whether he or they do Know the Perſon or Perſons that Committed ſuch Fact, or any of them; And if, upon ſuch Examination, it be Confeſt, That he or they do Know the Perſon or Perſons that Committed the ſaid Fact, or any of them, that then he, or they, ſo Confeſſing, ſhall be bound, by Recognizance, to Proſecute ſuch Offender or Offenders, by Indictment, or otherwiſe, according to the Laws of this Kingdom.

And moreover, Be it Enacted by the Authority aforeſaid, That before any Action ſhall be Commenced or Proſecuted on this Act, for Recovery of Damages for any Loſſes ſuſtained, by Reaſon of any Robbery, Burning of Houſes, or Corn, or Deſtruction of Cattle, Contrary to the Tenor of this Act, the Perſon or Perſons, ſo Injured, ſhall obtain or procure a Preſentment to be made at the next Aſſizes or Quarter-Seſſions, to be held after ſuch Robbery, Injury or Fact Committed, by the Grand Jury of the County, where ſuch Fact ſhall be Committed; wherein Notice ſhall be taken of ſuch Robbery, or other Injuries or Miſchiefs, and of the Loſſes ſuſtained,

the Number of the Offenders, and how many of them are Papists, or Reputed such, and how many Protestants, or Reputed such; As also of the Barony or Baronies, and County, where such Fact was Committed; with the Names of the Offenders: But in Case, where the Person or Persons Robbed, Burnt or Injured, or their Servant or Servants do not know the Names of all or any of the Offenders, and shall Declare so, on their Oath, openly in Court, being Examined to the said Particulars; the said Grand Jury, in such Presentment, to give the best Description they can, on the Evidence produced before them, of such Malefactors, to the End they may be brought the speedier to Justice: Which Presentment shall be given in Evidence, by the Person and Persons that shall obtain the same, on any Tryal for Damages for his Losses sustained, according to the Purport of this Act.

And for the better Suppressing Robbers, Tories and Rapparees, that have so much of late Disturbed the Peace and Settlement of this Kingdom,

Be it Enacted by the Authority aforesaid, That if any Person or Persons shall be, at any Time hereafter, Presented at the Assizes, or Quarter-Sessions, by the Grand-Jury, as a Tory, Rapparee or Robber, out on his Keeping; and such Presentment being Returned to the Clerk of the Council; the Person and Persons, in such Presentment named, shall, by Proclamation, from the Lord Deputy, or other Chief Governor or Governors, and Council of this Kingdom, be Proclaimed; And, in Case such Person or Persons, so Proclaimed, do not, within the Time to be limited by such Proclamation, Render him or themselves to some one or more Justices of the Peace of the County, where such Presentment shall be made, he and they, so Presented and Proclaimed, shall, from thenceforth, be Convict of High-Treason, and suffer accordingly. And that all and every Person and Persons Concealing, Aiding, Abetting and Succouring such Person and Persons, so Presented and Proclaimed, Knowingly, from and after the Time so limited by such Proclamation, shall be Guilty of Felony, without Clergy; and Suffer as Felons, Convict of Felony, without Clergy. And for the better Encouragement of such Persons as shall Take and Convict, or Kill any Robber, Rapparee or Tory, in Arms, and upon his Keeping, Indicted, Proclaimed or Presented, as aforesaid; the Justices of Assize, in their Circuit, and the Justices of Peace, in their Quarter-Sessions, Respectively, with the Assent of the Grand-Jury, shall have Power and Authority to Tax and Sess every Inhabitant, in any County, Barony, City, Burrough, Town or Parish, within the Limits of their Commissions and Authorities, to such Reasonable

Reasonable Aid or Sum of Money, as they shall think fit, in their Discretion, Convenient and Sufficient, for Encouraging and Rewarding such Person or Persons, as shall Take and Convict, or Kill any Robber, Rapparee or Tory, in Arms, and upon his Keeping.

Provided such Sums do not Exceed Twenty Pounds for any One Tory: Which said Sum or Sums of Money, so to be Raised, shall be Applotted and Apportioned by the said Grand-Jury, and Levyed by such Collectors as they shall Appoint; who shall have Power and Authority to Receive the said Sums of Money, and to Distrain every such Inhabitant, as shall be Taxed, and Refuse Payment thereof; and to Sell such Distress, and Deliver the Money Taxed, to such Person or Persons as shall Take or Kill such Robber, Rapparee or Tory; and the Residue, if the Distress be better, to Deliver to the Owner thereof. This Act to Continue, and be of Force, for Three Years, from the Royal Assent being Given thereto; and to the End of the First Session of the next Parliament, after the said Three Years, and no longer.

CHAP. XXII.

An ACT for the more Speedy and Effectual Proceeding upon Distresses and Avowries for Rent.

FORASMUCH as the Ordinary Remedy for Arrearages of Rents, is by Distress upon the Lands Chargeable therewith; And yet, Nevertheless, by Reason of the Intricate and Dilatory Proceedings upon Replevin, that Remedy is become Ineffectual. For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by Authority of the same, That whenever any Plaintiff, in Replevin, shall be Non-Suit before Issue Joyned, in any Suit, in Replevin, by Plaint or Writ, Lawfully Returned, Removed or Depending in any of His Majesty's Courts at Dublin, or any Courts Palatine, or other Courts of Record, within this Kingdom, That the Defendant Avowant, Making a Suggestion in Nature of an Avowry or Connuzance for such Rent, to Ascertain the Court of the Cause of Distress; the Court, upon his Prayer, shall Award a Writ to the Sheriff of the County, where the Distress was Taken, to Inquire, by the Oaths of Twelve Good and Lawful

Men of the Baliwick, Touching the Sum in Arrear, at the Time of such Distress Taken, and the Value of the Goods or Cattle Distrained; and, thereupon, Notice of Fifteen Days shall be Given to the Plaintiff, or his Attorney, in Court, of the Sitting of such Inquiry; and, thereupon, the Sheriff shall Inquire of the Truth of the Matter, Contained in such Writ, by the Oaths of Twelve Good and Lawful Men of his County; and, upon the Return of such Inquisition, the Defendant shall have Judgment to Recover, against the Plaintiff, the Arrearages of such Rent, in Case the Goods or Cattle Distrained shall Amount unto the Value; and, in Case they shall not Amount to that Value, then so much as the Value of the said Goods and Cattle, so Distrained, shall Amount unto, together with his full Costs of Suit; and shall have Execution thereupon, by Fieri facias, or Elegit, or otherwise, as the Law shall Require: And, in Case such Plaintiff shall be Non-suit, after Connuzance or Avowry made, and Issue Joyned, or if the Verdict shall be Given against such Plaintiff, then the Jurors, that are Impannelled or Returned, to Inquire of such Issue, shall, at the Prayer of the Defendant, Inquire concerning the Sum of the Arrears, and the Value of the Goods or Cattle Distrained; And, thereupon, the Avowant, or he that makes Cognizance, shall have Judgment for such Arrearages, or so much thereof as the Goods or Cattle Distrained Amount unto, together with full Costs; and shall have Execution for the same, by Fieri facias, or Elegit, or otherwise, as the Law shall Require.

And be it further Enacted, by the Authority aforesaid, That if Judgment, in any of the Courts aforesaid, be Given, upon Demurrer, for the Avowant, or him that makes Cognizance for any Rent, the Court shall, at the Prayer of the Defendant, Award a Writ, to Inquire of the Value of such Distress, and upon the Return thereof Judgment shall be given for the Avowant, or him that makes Cognizance as aforesaid; For the Arrears alledged to be behind in such Avowry or Cognizance, if the Goods or Cattle so Destrained shall amount to the Value; And in case they shall not amount to that Value; then for so much as the said Goods or Cattle so Distrained amount unto, together with his full Costs of Suit, and shall have like Execution as aforesaid.

Providid always, and be it Enacted, That in all Cases aforesaid, where the Value of the Cattle Distrained, as aforesaid, shall not be found to be to the Value of the Arrears Distrained for, that the Party to whom such Arrears were due, his Executors or Administrators may from time to time Distrain again for the Residue of the said Arrears.

And

And whereas no Sheaves or Cocks of Corn, Loose, or in the Straw, or Hay in any Barn or Granary, or in any Hovel, Stack or Kick can by the Law be Distrained, or otherwise Secured for Rent, whereby Landlords are oftentimes Deceived by their Tenants, who Sell their Corn, Grain and Hay to Strangers, and Remove the same from the premisses Chargeable with such Rent, and thereby avoid the Payment of the same.

Be it further enacted by the Authority aforesaid, That for Remedying the said Practice and Deceit, it shall and may from henceforth be Lawful to and for any Person or Persons, having Rent Arrear and due upon any Demise, Lease, or Contract, to Seize and Secure any Sheaves or Cocks of Corn, or Corn Loose, or in the Straw or Hay, lying, or being in any Barn or Granary, or upon any Hovel, Stack or Kick, or otherwise, upon any part of the Land or Ground charged with such Rent, and to lock up, or Distrain the same in the Place where the same shall be found, for, or in the Nature of a Distress, until the same shall be Replevied upon good Security to be given to the Sheriff, as aforesaid; And in Case such Distress shall not be Replevied or owned within the Space of eight Days next after the taking thereof, then the same to be appraised and sold according to the Laws and Customs of this Kingdom.

Provided nevertheless, That such Corn, Grain, or Hay so Distrained, as aforesaid, be not removed by the Person or Persons Distraining to the Damage of the Owner thereof, out of the place where the same shall be Found and Seized, but be kept there as Impounded, until the same shall be Replevied or Sold, as aforesaid. And in Case any Replevin shall be brought for such Sheaf or Sheaves of Corn, or Grain, or Hay, if the Plaintiff in such Replevin shall be Nonsuit, either before or after Appearance, or a Verdict pass against him, or Judgment be given against him, upon Demurrer, as aforesaid; in all such Cases, such Proceedings to be by Inquisition or Fineing of the Jury at the Bar upon like Suggestion to be made in the Connuzance or Avowry, and like Execution in such Cases to be awarded.

And be it further Enacted, by the Authority aforesaid, That, upon any Pound-Breach, or Rescue of Goods and Chattels, Distrained for Rent, the Person or Persons Grieved thereby, shall, in a Special Action upon the Case, for the Wrong thereby Sustained, Recover his and their Treble Damages, and Costs of Suit, against the Offender or Offenders, in any such Rescue or Pound-Breach, any or either of them, or against the Owners of the Goods Distrained, in Case the same be afterwards found to have come to his Use or Possession.

CHAP. XXIII.

An ACT for continuing the Statute for An Additional Exciſe upon Beer, Ale, and other Liquors.

WHEREAS in this preſent Seſſion of Parliament there was an Act eſtabliſhed and enacted by Authority of the ſaid Parliament, That from and after the Three and Twentieth Day of October, in this preſent Year of our Lord, One thouſand ſix hundred ninety five, there ſhall be throughout this Your Majeſty's Kingdom of IRELAND, Raiſed, Levied, Collected, and Paid unto Your Majeſty, during the ſpace of One Year from the ſaid Twenty Third of October, and no longer, for Beer, Ale, and other Liquors in the ſaid Act expreſſed, by way of Exciſe (over and above all other Duties, Charges, and Impoſitions formerly ſet and impoſed) the Exciſe and Duties in the ſaid Act ſet and impoſed, as by the ſaid Act, among other things therein contained, more at large it doth and may appear.

And whereas the ſaid Act may not fully anſwer the Ends therein deſigned, towards the defraying the neceſſary Charges of the Publick, We Your Majeſty's moſt Humble and Loyal Subjects, the Commons in this preſent Parliament Aſſembled, taking into Our ſerious Conſiderations the Weighty and Preſſing Occaſions, which at this time require a further ſupply of Money, in a moſt Dutiful Acknowledgment of Your Majeſty's great Goodneſs, expreſſed in Your Tender Care of the Welfare of Us Your People, Do humbly preſent Your Majeſty with a further Supply, by way of Additional Duty of Exciſe upon Beer, Ale, and other Liquors; And do moſt humbly beſeech Your Majeſty that it may be Enacted. And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That the ſaid Act, and every Clauſe, Article, Proviſion, Thing and Things in the ſame Specified or Contained, and the Duties therein mentioned, be, and are hereby continued and made payable in manner as in the ſaid Act is Specified, until the Twenty Fifth Day of December, which ſhall be in the Year of Our Lord, One Thouſand, ſix hundred, ninety eight.

CHAP.

CHAP. XXIV.

An ACT for the better Regulating of Measures in and throughout this Kingdom.

FOR prevention of the many and great Inconveniences and Discouragements to Trade in this Kingdom, which proceed from the want of one Certain and Known Measure for all sorts of Grain to be Measured and Sold by, in and throughout this Kingdom.

Be it therefore Enacted by the King's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That one and the same Measure shall be used in and throughout this Kingdom, and every part thereof: And that the Measure and Measures to be henceforth used in this Kingdom, shall be and contain as hereinafter is mentioned and appointed, and no otherwise (That is to say) The Measure called the Peck, shall be and contain Two Gallons, and no more. The Measure called the Bushel, shall be and contain Eight Gallons, and no more. The Measure called the Half Barrel, shall be and contain Sixteen Gallons, and no more. And the Barrel, shall be and contain Thirty Two Gallons, and no more. The said Gallon to contain Two Hundred Seventy Two Cubical Inches, and one fourth part of a Cubical Inch, according to the Gallon mentioned and appointed in and by one Act of Parliament, made and enacted in this Kingdom, in the Twelfth Year of the Reign of the late Queen ELIZABETH, of Blessed Memory.

And be it also Enacted, That there shall be forthwith provided, at His Majesty's Charge, one Barrel, one Half Barrel, one Bushel, one Peck, and one Gallon, according to the abovesaid Measure; which said Barrel, Half Barrel, Bushel, Peck, and Gallon shall be the Standards for the Measures in and throughout this Kingdom of IRELAND; And that the said Standards being marked with the Crown and Letters of His Majesty's Name, shall be placed and safely kept in His Majesty's Exchequer of this Kingdom, in the Custody of the Lord-Treasurer of this Realm, or of the Vice-Treasurer, his Deputy, or Deputies for the time being.

And be it further Enacted, That in every County, Town, City, Liberty, Franchize and Market-Town

within this Realm, shall be placed and kept at the proper Costs and Charges of each County, City, Liberty, Franchize, and Market-Town respectively, in the Custody of the Sheriff of such County, and of the Mayor, Bayliff, Sovereign, Seneschal, or Steward of any Liberty, or Mannor, or other Chief Magistrate residing in such City or Market-Town, one Barrel, one Half Barrel, one Bushel, one Peck, and one Gallon, according to the above Measures; which said Barrel, Half Barrel, Bushel, Peck and Gallon, shall be first measured by the said Standards in the Exchequer, and shall be severally Sealed, Branded or Marked on the Edge or Brim, with the Crown and Letters of His Majesty's Name, and with such other Mark as the Lord High Treasurer of this kingdom, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall think fit; and that for the Measuring, Branding and Marking of each such Measures the Sum of Six-pence, and no more shall be paid to the said Lord High Treasurer, or the Vice-Treasurer, his Deputy or Deputies, for the time being, by the Person or Persons who shall bring the said Measures to be Measured, Branded, or Marked; which said Barrels, Half Barrels, Bushels, Pecks, and Gallons, in the Custody of the said Sheriffs, Mayors, Bayliffs, Sovereigns, Seneschals or Stewards of any Liberty or Mannor, or other Head-Officers, being Measured or Marked by the said Lord High Treasurer, or the Vice-Treasurer, his Deputy or Deputies, for the time being, shall be and remain the Standards for such County, City, Liberty or Franchize, or Market-Town, respectively.

And be it further Enacted, That the said Sheriffs, Mayors, Bayliffs, Sovereigns, Seneschals, or Steward of any Liberty or Mannor, and other Officers in whose custody such Standards are hereby appointed to Remain, shall have full power to Measure and Compare all such Barrels, Half Barrels, Bushels, Pecks and Gallons, as shall be brought, or offered to them, or any of them to be Measured or Marked; And if upon Measuring the same, they or any of them shall find the said Measure so brought or offered respectively, to be agreeable to, and to contain equal Quantities with the said Measures Marked by the said Lord High Treasurer, or Vice-Treasurer, his said Deputy or Deputies, for the time being, That then the said Sheriffs Mayors, Bayliffs, Sovereigns, Seneschal, Steward, or other Chief Officers, or any of them, shall Mark or Brand the said Measures so brought to them on the Rim or Edge of them, respectively, with the Crown and Letters of His Majesty's Name; and also, with a Mark or Brand to be appointed by each

County

County, City, Liberty or Franchize, or Market-Town, respectively: And that for the Measuring and Marking of Each such Measure, shall be Paid, by the Person or Persons Bringing or Offering the said Measure or Measures to be Sealed or Marked, the Sum of Six Pence, and no more.

And be it further Enacted, by the Authority aforesaid, That from and after the Twenty-Sixth Day of March, which will be in the Year of our Lord, One thousand six hundred ninety six, no Measures shall be Used for Measuring any Sort of Grain in this Kingdom, or in any Part thereof, but such as shall be first Measured and Compared by the said Standards in the Exchequer, or by One of the said Standards, Remaining in the Custody of such as hereby are Appointed to have the Custody of them, in the Respective Counties, Cities, Liberties, Franchizes and Market-towns, within this Kingdom, and shall be Branded and Marked, as aforesaid: And that whosoever, after the said Twenty-Sixth Day of March next, shall Sell or Measure any Sort of Grain, Corn, Mault, or Oat-Meal, in any Place or Places whatsoever, within this Kingdom, by any Measure or Measures, Containing any Greater or Lesser Quantity, than as aforesaid, or by any Barrel, Half-Barrel, Bushel, Peck or Gallon, which hath not been Measured by, and is not of Equal Content with the said Standard in the Exchequer; or by and with the said Standards, Remaining in the said Counties, Towns, Cities, Liberties, Franchizes or Market-Towns, or some of them; or that hath not been Marked, as aforesaid, by some One, in whose Custody the said Standards are by this Act Appointed to Remain; shall Forfeit, for Every such Offence, the Sum of Ten Pounds; whereof, the One Moiety shall be to the Poor of the Parish where such Offence is or shall be Committed, and the Other Moiety to the Informer; and that, upon Information Given upon Oath, or otherwise, to any Justice of the Peace of any County, Mayor, Bayliff, Soveraign, or other Chief Magistrate of any City, Liberty or Franchize, or Town Corporate; the said Seneschal, Justice of the Peace, Franchize, Mayors, Bayliffs, Soveraign, Seneschal, aforesaid, or other Chief Magistrate, to whom such Information is Given, shall immediately Issue his Warrant, Requiring the Party or Parties Complained of, to Appear before him; And if, upon Examination, it shall Appear, by the Oath or Oaths of one or more Credible Witnesses, to the said Justice of Peace, Mayor, Bayliff, Soveraign, Seneschal, aforesaid, or other Chief Magistrate, That the said Party so Complained of, hath Sold, Delivered or Received any Sort of Corn, Grain, Mault or Oat-

Meal, by any Barrel, Half-Barrel, or other Measure, not Marked, Sealed or Branded by the Sheriff, Mayor, Soveraign, Seneschal, or some other Person, who hereby have Power, and are Appointed to Mark, Seal or Brand the same, That then the said Justice, Mayor, Bayliffs, Soveraign, or other Chief Magistrate, within his and their Respective Precincts, shall Issue a Warrant to the Constable of the Parish, where such Offender Resides, Requiring him to Levy, by Distress and Sale of the Goods of the Person so Offending, the said Sum of Ten Pounds; whereof, the One Moiety shall be Given to the Poor of the Parish, as aforesaid, where such Offender doth Reside, and the other Moiety to the said Informer.

And be it further Enacted, by the Authority aforesaid, That if any Person, who hereby hath Power to Measure and Mark any Barrel, Half-Barrel, or other Measure, brought to him, shall Mark, Seal, Brand or Allow any Barrel, Half-Barrel, or any other Measure, which shall or doth Contain more or less, Respectively, than the said Standards, Remaining in his Custody, The said Person, so Doing, shall Forfeit, for Every such Barrel, Half-Barrel, or other Measure, so Sealed, Marked, Branded or Allowed by him, the Sum of Fifty Pounds; The one Moiety to the King, and the other Moiety to the Use of him that will Sue for the same, to be Recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts of Record, at Dublin, wherein no Essoyn, Protection, or Wager of Law, shall be Allowed, nor any more than one Imparlance.

And be it likewise Enacted, That Every Barrel, Half-Barrel, and other Measure whatsoever, of any Sort of Corn, Grain, Mault or Oat-Meal, shall be Sold, Delivered and Received, Stricked, without Heaps, and without Pressing or Shaking Down; And not in any other Manner, upon Pain of the Forfeiture of Five Pounds to him that will Sue for the same, to be Recovered by Action, Suit, Bill or Plaint, in any of His Majesty's Courts at Dublin, wherein no Essoyn, Protection or Wager of Law, shall be Allowed, or any more than one Imparlance.

CHAP.

CHAP. XXV.

An ACT for the Prevention of Vexations and Oppreſſions by Arreſts; and of Delays in Suits of Law.

WHEREAS by the Laws of this Kingdom, in Caſe where any Perſon is Sued, Impleaded or Arreſted by any Writ, Bill or Proceſs, Iſſuing out of any of His Majeſty's Courts of Record, at Dublin, in any Common Plea, at the Suit of any common Perſon, The True Cauſe of Action ought to be ſet forth and expreſſed in ſuch Writ, Bill or Proceſs, whereby the Defendant may have certain Knowledge of the Cauſe of the Suit; And the Officer who ſhall execute ſuch Writ, Bill or Proceſs, may know how to take Security for the Appearance of the Defendant to the ſame; and the Sureties for ſuch Appearance may rightly underſtand for what Cauſe they become engaged.

And whereas there is a great Complaint of the People of this Kingdom, That for divers Years laſt paſt, very many of His Majeſty's good Subjects have been Arreſted upon General Writs of Treſpaſs, Quare Clauſum Fregit, or other like Writs, Iſſued out of the Courts of King's-Bench and Common-Pleas, not expreſſing any particular or certain Cauſe of Action; and thereupon kept Priſoners for a long Time for want of Bail, Bonds, with Sureties for Appearances, having been demanded in ſo great Sums, that few or none have dared to be Security for the Appearance of ſuch Perſons ſo Arreſted and Impriſoned; altho' in Truth there hath been little or no Cauſe of Action, and oftentimes there are no ſuch Perſons who are named Plaintiffs; but thoſe Arreſts have been many times procured by malicious Perſons, to vex and oppreſs the Defendants, and to force from them unreaſonable and unjuſt Compoſitions for obtaining their Liberty: And by ſuch Evil Practices many Men have been, and are daily undone, and deſtroyed in their Eſtates, without Poſſibility of having Reparation, the Actors employed in ſuch Practices having been (for the moſt Part) poor and lurking Perſons, and their Actings ſecret, that it hath been found very difficult to make true Diſcoveries on Proof thereof.

For Remedy and Prevention of which ſo great growing Evils and Miſchiefs; And alſo for diſcouraging all frivolous and unjuſt Suits, and cauſeleſs Arreſts, for the Future.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twelfth Day of December next, no Person or Persons, who shall happen to be Arrested by any Sheriff, Under-Sheriff, Coroner, Steward or Bayliff of any Franchize or Liberty, or by any other Officer, Minister, Under-Bayliff, or any other Person or Persons whatsoever, within this Realm, having, or pretending to have Authority or Warrant in that Behalf, by Force or Colour of any Writ, Bill, or Process, Issuing, or to be Issuing out of His Majesty's said Court of King's-Bench and Common-Pleas, or either of them, or other Court of Justice, in which said Writ, Bill, or Process, or at the Foot thereof, the Certainty or True Cause of Action is not expressed, marked, or set down, particularly; and for which the Defendant or Defendants in such Writ, Bill or Process, Named is, and are Bailable by the Statute in that Behalf, made in the Three and Twentieth Year of the Reign of the late King Henry the Sixth, shall be forced or compelled to give Security, or to enter into Bond, with Sureties for the Appearances of such Person or Persons so Arrested, at the Day and Place in the said Writ, Bill, or Process, on the Foot thereof specified or contained in any Penalty or Sum of Money, exceeding the Sum of Forty Pounds of Lawful Money of England, to be Conditioned for such Appearances. And that all Sheriffs, and other Officers and Ministers aforesaid, shall let to Bail, and deliver out of Prison, and from their and every of their Custodies, respectively, all and every Person or Persons whatsoever, by them, or any of them Arrested upon any such Writ, Bill, or Process, wherein the Certainty and True Cause of Action is not particularly expressed, as aforesaid, upon Security in the Sum of Forty Pounds, and no more, given for Appearance of such Person or Persons so Arrested, unto the said Sheriff or Officer aforesaid, according to the said Statute in the said Three and Twentieth Year of the Reign of the said King Henry the Sixth, in that Behalf made and provided.

And be it further Enacted by the Authority aforesaid, That upon Appearance to be Entred in the Term wherein such Writ, Bill, or Process is Returnable, with the Respective Officer in that Behalf, for the said Person or Persons, by Attorney or Attorneys in the said Respective Courts from whence the said Writ, Bill, or Process Issued unto such Writ, Bill or Process, the Bond or Bonds so given for Appearance thereunto, be, and are hereby satisfied and discharged: And that after such Appearance

so

ſo Entred, no Amercement be ſet or eſtreated upon, or againſt any Sheriff, or other Officer aforeſaid; or any other Perſon whatſoever, concerning the Want of ſuch Appearance: And unleſs the Plaintiff or Plaintiffs in any ſuch Writ, Bill or Proceſs named, ſhall put into the Court from whence ſuch Writ, Bill, or Proceſs did Iſſue, his or their Bill, or Declaration againſt the Perſon or Perſons ſo Arreſted, in ſome perſonal Action (Ejectione firme) of Lands and Tenements, before the End of the Term next following for Appearance, that then a Nonſuit, for want of a Declaration, may be Entred againſt the ſaid Plaintiff or Plaintiffs in the ſaid Courts, reſpectively: And that every Defendant, in every ſuch Writ, Bill, or Proceſs named, ſhall, or may have Judgment to recover Coſts againſt every ſuch Plaintiff or Plaintiffs, to be Aſſeſſed, Taxed, and Levied in ſuch Manner, and according as it is provided by the Statute for Coſts, made in the Three and Twentieth Year of the Reign of the late King Henry the Eighth, any former, or other Act, Statute, Ordnance, Law, Cuſtom, Order, Courſe or Uſage of either of the ſaid Courts to the contrary thereof heretofore had, made, admitted, or uſed in any wiſe notwithſtanding.

Provided always, That this Act, nor any Clauſe or Thing herein before ſpecified or contained, ſhall not extend, or be conſtrued, or taken to extend unto any Arreſts hereafter to be made upon, or by Vertue of any Writ of Capias Utlagatum, Attachment upon Reſcues, or Attachment upon any Contempt, or of any Attachment of Privilege, at the Suit of any privileged Perſon, or of any other Attachment for Contempt whatſoever, Iſſuing, or to be Iſſuing out of either of the ſaid Courts, although there be no particular Certainty of the Cauſe of Action expreſſed or contained in the ſaid Writs; but that nevertheleſs no Sheriff or Under-Sheriff, nor any of the Officers or Miniſters aforeſaid, ſhall diſcharge any Perſon or Perſons taken upon any Writ of Capias Utlagatum, out of Cuſtody, without a lawful Superſedeas firſt had and received for the ſame, and that upon the ſaid Writs of Attachment ſuch lawful Courſe be taken for Security for Appearance therein, as hath been heretofore uſed, any thing herein before expreſſed to the contrary thereof, in any wiſe notwithſtanding.

And whereas many Perſons out of ill Intent to delay their Creditors from recovering their juſt Debts, continue Priſoners, who cannot be proceeded againſt in ſuch Manner as they might be if they were at large. Now, for the better enabling all and every Perſon or Perſons to recover their juſt Debts and Demands againſt ſuch Priſoners.

Be it further Enacted by the Authority aforesaid, That every Person or Persons whatsoever, who now hath or have, or which at any time hereafter shall have Cause of any Personal Action against any Person, being a Prisoner in Prison, may sue forth any Original Writ upon his or their Cause of Action: And that a Writ of Habeas Corpus be granted to every such Person or Persons being Plaintiff or Plaintiffs, desiring the same to be directed to the Goaler, or Keeper of the same Prison, to have the Body of such Prisoners before any His Majesty's Justices of the King's-Bench, or Common-Pleas, at some certain Day in any Term, to answer the said Plaintiff or Plaintiffs, upon his or their said Cause of Action: And that if the said Plaintiff or Plaintiffs at the said Day, put into the said Court his or their Declaration, according to the said Original Writ against the said Prisoner, being present at the Bar, the said Person shall be bound to appear in Person, or to put in an Attorney to appear for him in the said Action: And unless the said Defendant plead upon a Rule given to be out at the Eight Days at the least, after such Appearance, Judgment by Nihil dicit may be entred against such Defendants, as appearing in Person, which shall be good and effectual in Law: And such Charge in Court by Declarations, signified by Rule unto the Goaler or Keeper, shall be a good Cause of Detension of such Prisoner in his Custody, from which he shall not be discharged without a lawful Supersedeas, or Rule of Court: And if the said Goaler or Keeper shall do otherwise, he shall be responsible to the Court, and to the Party grieved for Damages, by Action upon the Case, to be brought against him for discharging such Prisoner.

And whereas very many Suits, commenced by Original Writs, have been protracted and long delayed from Judgment and Execution, by Reason of the Necessity of having Fifteen Days, at the least, between the Days of the Teste, and the Days of the Return of Writs, now used in Personal Actions, and also in Actions of Ejectione firmæ, for Lands and Tenements. For Remedy whereof; and for the more easy expediting Tryals, and the better and more speedy executing Judgments for the Time to come.

Be it further Enacted by the Authority aforesaid, That in all Actions of Debt, and all other personal Actions whatsoever: And also in Actions of Ejectione firmæ, for Lands or Tenements now depending, or which at any Time hereafter shall be depending in either of His Majesty's Courts aforesaid, after any Issue therein joined, to be tried by a Jury: And also after any Judgment had or obtained, or to be had or obtained in any the Courts aforesaid, in any such Action, as aforesaid, there shall

ſhall not need to be Fifteen Days between the Teſte and Day of Return of any Writ or Writs of Venire facias, Habeas Corpora Jurator, or Diſtringas Jurator. Writs of Fieri facias, or Writs of Capias ad Satisfaciendum; and that the want of Fifteen Days between the Teſt Day and the Day of the Return of any ſuch Writ, ſhall not be, nor ſhall be aſſigned, taken, or adjudged to be any Matter or Cauſe of Error; Any Law, Cuſtom, Statute, Courſe or Uſage to the contrary thereof, in any wiſe notwithſtanding.

Provided nevertheleſs, That this Act, nor any Thing therein contained, ſhall not extend, or be conſtrued to extend to any Writ of Capias ad ſatisfaciend. whereon a Writ of Exigent, after Judgment is to be awarded, nor to Capias ad ſatisfaciend. againſt the Defendant, in order to make any Bail liable, but that the ſame continue, and be as if this Act had never been made.

And whereas by an Act of Parliament made in this Kingdom, in the Tenth Year of the Reign of our late Sovereign Lord King Charles the Firſt, of Bleſſed Memory, a very good Law was made, for avoiding unneceſſary Delays of Execution, whereby it is Enacted, That no Execution ſhall be ſtayed or delayed upon, or by any Writ of Error, or Superſedeas thereupon, to be ſued for the Reverſing of any Judgment to be given in any Action or Bill of Debt, upon any ſingle Bond for Debt, or upon any Obligation, with Condition for Payment of Money only, or upon any Action or Bill of Debt for Rent, or upon any Contract ſued in any of His Majeſty's Courts of Record at Dublin; unleſs ſuch Perſon or Perſons, in whoſe Name or Names ſuch Writ of Error ſhall be brought, with two ſufficient Sureties, ſuch as the Court, wherein ſuch Judgment is or ſhall be given, ſhall allow of, ſhall firſt, before ſuch Stay made, or Superſedeas to be awarded, be bound to the Party, for whom any ſuch Judgment was, or ſhould be given by Recognizance, to be acknowledged in the ſame Court, in double the Sum adjudged, to be recovered by the ſaid former Judgment, to proſecute the ſaid Writ of Error with Effect; and alſo to ſatisfy and pay (if the ſaid Judgment ſhall be affirmed) all and ſingular the Debts, Damages and Coſts adjudged, or to be adjudged upon the former Judgment, and all Coſts and Damages to be alſo awarded for the ſame delaying of Execution, which Law hath been found by Experience to be very good and beneficial to the Commonwealth. And foraſmuch as divers other Cauſes, wherein the ſame Miſchief, by Delays and Staying of Execution by Writs of Error and Superſedeas thereupon, are not provided for by the Statute, in the ſeveral Actions hereafter ſpecified.

Be it further Enacted, That the ſaid recited Act be of Force in this Kingdom. And be it further Enacted and Ordained by the Authority aforeſaid, That from and after the Twentieth Day of December next, no Execution ſhall be ſtayed in any of His Majeſty's Four Courts, or in the County Palatine of Tipperary, by any Writ or Writs of Error or Superſedeas thereupon, after any Verdict and Judgment thereupon obtained in any Action of Debt, or in any Action upon the Caſe, upon any Promiſe for the Payment of Money, Actions Sur Trover, Actions of Covenant, Detinue and Treſpaſs, unleſs ſuch Recognizance, and in ſuch Manner, as by the ſaid recited former Act is directed, ſhall be firſt acknowledged in the ſaid Court where ſuch Judgment is given.

And be it alſo Enacted by the Authority aforeſaid, That if any Perſon or Perſons, after the ſaid Day, ſhall ſue or proſecute any Writ or Writs of Error for the Reverſal of any Judgment whatſoever given, after any Verdict in any the Courts aforeſaid; and the ſaid Judgment ſhall afterwards be affirmed; then every ſuch Perſon or Perſons ſhall pay unto the Defendant or Defendants, in the ſaid Writ or Writs of Error, his or their double Coſts, to be Aſſeſſed by the Court where ſuch Writ of Error ſhall be depending, for the delaying of Execution.

Provided nevertheleſs that this Act, nor any Thing therein contained, ſhall not extend to any Action popular, nor unto any other Action which is, or hereafter ſhall be brought upon any Penal Law, or Statute, nor to any Indictment, Preſentment, Inquiſition, Information or Appeal, any Thing herein before expreſſed to the contrary thereof notwithſtanding.

Anno

Anno Regni Nono Gulielmi Tertii.

CHAP. XXVI.

An ACT for baniſhing all *Papiſts* exerciſing any Eccleſiaſtical Juriſdiction, and all Regulars of the *Popiſh Clergy* out of this Kingdom.

WHEREAS, it is notoriouſly known, That the late Rebellions in this Kingdom have been Contrived, Promoted and Carried on by Popiſh Arch-Biſhops, Biſhops, Jeſuits and other Eccleſiaſtical Perſons of the Romiſh Clergy. And forasmuch as the Peace and publick Safety of this Kingdom is in Danger, by the great Number of the ſaid Arch-Biſhops, Biſhops, Jeſuits, Friers, and other Regular Romiſh Clergy, now reſiding here, and ſettling in Fraternities and Societies, contrary to Law, and to the great Impoveriſhing of many of His Majeſty's Subjects of this Kingdom, who are forced to maintain and ſupport them; which ſaid Romiſh Clergy do, not only endeavour to withdraw His Majeſty's Subjects from their Obedience, but do daily ſtir up, and move Sedition, and Rebellion, to the great hazard of the Ruine, and Deſolation of this Kingdom. For the Prevention of all which Miſchiefs, His Majeſty is graciouſly pleaſed that it be enacted.

And be it enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That all Popiſh Arch-Biſhops, Biſhops, Vicars-General, Deans, Jeſuits, Monks, Friers, and all other Regular Popiſh Clergy, and all Papiſts exerciſing any Eccleſiaſtical Juriſdiction, ſhall depart out of this Kingdom before the firſt Day of May, which ſhall be in the Year of our Lord, One thouſand, Six hundred Ninety eight: And if any of the ſaid Eccleſiaſtical Perſons, ſhall be at any time after the ſaid firſt Day of May, within this Kingdom, they, and every of them ſhall ſuffer Impriſonment, and remain in Priſon, without Bail or Mainprize, till he or they ſhall be Tranſported beyond Seas, out of His Majeſty's Dominions, wherever His Majeſty, His Heirs or Succeſſors, or the Chief Governor or Governors of this Kingdom, for the time being, ſhall think fit: And if any

Perſon ſo Tranſported, ſhall return again into this Kingdom, they, and every of them ſhall be Guilty of High-Treaſon; and every Perſon ſo Offending, ſhall for his Offence, be adjudged a Traytor, and ſhall ſuffer, loſe and forfeit as in Caſe of High-Treaſon.

And be it further Enacted by the Authority aforeſaid, That all and every ſuch Popiſh Archbiſhops, Biſhops, Dean, Vicars-General, Jeſuits, Friers, and all other Popiſh Regular Clergy in this Kingdom, ſhall before the ſaid First Day of May, repair to the City of Dublin, Cork, Kinſale, Youghal, Waterford, Wexford, Gallway, or Carrickfergus, and there remain, until there ſhall be Conveniency of Shipping, for their Tranſportation into ſome Parts beyond Seas, and out of His Majeſty's Dominions, every of them on their firſt coming into any of the ſaid Cities and Towns, giving in their Names to the Mayor, or other Chief Magiſtrate, who is hereby required to Regiſter the ſame, and return an Account thereof to the Clerk of the Council, within Ten Days; and that the ſaid Mayor, or other Chief Magiſtrate of each Town, and alſo, the Collector and Surveyor of the Port, ſhall give their beſt Aſſiſtance in Tranſporting every ſuch Popiſh Archbiſhop, Biſhop, and other Popiſh Regular Clergyman.

And be it further Enacted by the Authority aforeſaid, That from and after the Twenty Ninth Day of December, which ſhall be in the Year of our Lord God, One thouſand ſix hundred and ninety ſeven, no Popiſh Archbiſhop, Biſhop, Vicar-General, Dean, nor any other Papiſt exerciſing any Eccleſiaſtical Juriſdiction, not Eſtabliſhed by the Laws of this Kingdom, Jeſuit, or Frier ſhall come into this Kingdom, from any Parts beyond the Seas, on pain of Twelve Months Impriſonment, and then to be Tranſported in manner aforeſaid: And if any ſuch Romiſh Eccleſiaſtical Perſon, ſo Tranſported, ſhall again return into this Kingdom, he and they ſo offending, ſhall be guilty of High-Treaſon, and ſuffer accordingly.

And be it further Enacted, That any Perſon that ſhall from and after the ſaid First Day of May, knowingly harbour, relieve, conceal, or entertain any ſuch Popiſh Archbiſhop, Biſhop, Vicar-General, Dean, Jeſuit, Frier, or any other Papiſt exerciſing any Eccleſiaſtical Juriſdiction, not Eſtabliſhed by the Laws of this Kingdom, or any Regular Popiſh Clergy-man, hereby required to depart out of this Kingdom, in manner aforeſaid, or that from and after the ſaid Twenty Ninth Day of December, One thouſand ſix hundred ninety ſeven, ſhall come into this Kingdom, contrary to the Tenor of this Act, ſhall for the firſt Offence, Forfeit the Sum of Twenty Pounds; for the ſecond Offence double the ſaid Sum,

to

to be Levied in manner herein after expressed: And if he shall Offend the third time, to Forfeit all his Lands and Tenements of Freehold or Inheritance, during his Life, and also, all his Goods and Chattles; One Moiety whereof to His Majesty, His Heirs and Successors, the other Moiety, to such Person as shall Inform, so as such Moiety do not exceed the Sum of One Hundred Pounds, and the Surplus of what shall remain to His Majesty, His Heirs and Successors, the said Forfeiture for such third Offence, to be recovered by Bill, Plaint, Information, or Action for Debt, in any His Majesty's Courts of Record at Dublin, or at the Assizes in the respective Counties.

And be it Enacted by the Authority aforesaid, That upon Information on Oath, to any Justice of Peace in his respective County, against any Person or Persons, that shall knowingly Entertain, Succour, Relieve or Conceal any such Popish Archbishop, Bishop, Jesuit, Frier, or other Ecclesiastical Popish Person, contrary to the purport and meaning of this Act; the said Justice of the Peace, shall immediately Issue a Summons in Writing under his Hand, thereby requiring the Person and Persons so Informed against, at a certain Day and Place within the said County, where such Offence shall be Committed, to appear before him, and some other Justice of the Peace of the said County, to answer the said Matter laid to his, or their Charge; at which Time and Place the said Justices shall in presence of the Person or Persons Accused, or in case of his or their Neglect to appear being duly Summoned, proceed to the Examination of the said Matter; and if it shall appear to them on Evidence upon Oath, that the Person or Persons so complained of, are Guilty, the said Justices shall by Warrant under their Hands and Seals, Levy the aforesaid Forfeitures of Twenty Pounds for the first Offence, and Forty Pounds for the second Offence, of the Goods and Chattles of the Person or Persons Offending, by Distress, Sale, or otherwise, and dispose of one Moiety of such Forfeitures to the Informer or Informers, and the other Moiety to the Treasurer of the County, where such Offence shall be Committed, for the use of the County; and for Default thereof, to commit the Person Offending to the County Goal, there to remain without Bail or Mainprize, until he or they shall Pay the said Forfeitures and Penalties.

And be it further Enacted, That no Person whatsoever shall from and after the said Twenty Ninth Day of December, Bury any Dead in any suppress Monastery, Abby, or Convent, that is not made use of, for Celebrating Divine Service, according to the Liturgy of the Church of Ireland, by the Law Established, or within the Pre-

rincts thereof, upon Pain of forfeiting the Sum of Ten Pounds; which said Sum of Ten Pounds, shall and may be Recovered from any Person or Persons that shall be present at such Burial, and Offending contrary to the Tenor of this Act; which said Forfeitures, all and every Justices of the Peace, in his, and their respective Counties, are hereby Authorized, to Hear and Determine in manner as herein before is mentioned and declared; one Moiety of which said last Forfeiture for Burying contrary to this Act, shall be by such Justice given unto the Informer, and the other Moiety to the Minister and Church-wardens of the Parish, where any such Offences shall be Committedto be disposed of for the Use of the Parish.

Provided always, That if any Person or Persons shall think him, or themselves aggrieved, by the Judgment and Determination of such two Justices of the Peace, that the Person and Persons so aggrieved, may Appeal from their Judgment and Determination, to the next Judges of Assize, or to the Justices of Peace, at the next General Quarter-Sessions, who are hereby impowered to Examine the said Matter, and give such Relief therein, as to them shall seem meet.

And it is further Enacted, That all and every Justice of the Peace, shall from time to time Issue their Warrants for Apprehending, and Committal of all Popish Archbishops, Bishops, Jesuits, Friers and other Popish Ecclesiastical Persons whatsoever that shall remain or continue in this Kingdom, contrary to the Tenor and Meaning of this Act: And for Suppressing all Monasteries, Frieries Nunneries, or other Popish Fraternities or Societies.

And be it further Enacted by the Authority aforesaid, That all and every the Justices of the Peace of this Kingdom, shall give an account in Writing, of their Proceedings in Execution of this Statute, at the next General Quarter-Sessions for the County in which he shall Dwell, which shall be at such Quarter-Sessions Entered and Registred.

And be it further Enacted, That if any Justice of the Peace, Mayor, or other Officer shall neglect doing their Duty in Execution of this present Act, every such Justice of the Peace, Mayor, and other Officer, shall for every such neglect, forfeit the Sum of One Hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Essoyn, or Wager of Law shall be allowed of, nor but one Imparlance; one Moiety thereof to the King's Majesty, His Heirs and Successors, the other Moiety to the Informer, or Person that shall Sue for the same, and be Disabled from serving as a Justice of Peace, during his Life.

CHAP.

CHAP. XXVII.

An ACT for the Confirmation of Articles, made at the Surrender of the City of *Limerick*.

WHEREAS divers Doubts have arisen, on the Articles made at the Treaty for the late Surrender of the City of Limerick, the Third Day of October, One thousand six hundred ninety one, and Concerning the true Intent and Meaning of several Parts thereof.

And whereas Your Majesty hath been Graciously Pleased to Recommend to Your Parliament, That the said Articles, or so much of them as may Consist with the Safety and Welfare of Your Majesty's Subjects of this Kingdom, may be Confirmed by Authority of this present Parliament.

We the Lords Spiritual and Temporal, and the Commons, in this present Parliament Assembled, having due Regard to Your Majesty's Honour, for Declaring the true Sense and Meaning of the said Articles, and Taking away all Occasions of Doubt for the Time to come, Do most humbly beseech Your Majesty, That it may be Enacted;

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by Authority of the same, That the Second Article in the aforesaid Articles mentioned, be and is hereby Confirmed and Ratified, in the Sense and Intendment following, and no otherwise (that is to say) That all the Inhabitants or Residents of Limerick, or any other Garrison in the Possession of the Irish, at the Time of Making the said Articles; and all Officers and Soldiers then in Arms, under any Commission of the late King James, or those Authorized by him to Grant the same, in the several Counties of Limerick, Clare, Kerry, Cork and Mayo, and all the Commissioned Officers in the Quarters of His Majesty, that belonged to the Irish Regiments then in being, that were Treated with, and who were not Prisoners of War, nor had at any Time before that Time, Enjoyed the Benefit of Protections for the Safety of themselves, or their Goods and Families; which said Officers have, in Pursuance of the said Articles, Returned to their Obedience, and Submitted to His Majesty, and to Her late Majesty Queen Mary: Such Inhabitants or Residents of Lime-

rick, or any other Garrison, as aforesaid; such Officers and Soldiers, Respectively, as aforesaid, and their, and every of their Heirs, shall Hold, Possess and Enjoy all and every their Estates of Free-Hold and Inheritance, and all the Rights, Titles and Interests, Priviledges and Immunities to the said Estates of Free-Hold and Inheritance belonging, which they, and every or any of them Held, Enjoyed, or were Rightfully and Lawfully Intitled to, in the Reign of King Charles the Second, or at any Time since, by the Laws and Statutes that were in Force in the said Reign of King Charles the Second, and such Possession as was Given the said Inhabitants, Officers and Soldiers, in whose Behalf the said Articles were, as aforesaid, made, of Lands then in His Majesty's Hands, or in the Hands of His Tenants, by Order of the then Government under His Majesty, is, as to the Possession only, and no more, Confirmed and Ratified by the Authority of this Act, against His Majesty, His Heirs and Successors; and all such Estates of Free-Hold and Inheritance, shall be Freed and Discharged, and by the Authority of this present Act, are Declared and Enacted to be, and stand Freed and Discharged of and from all Arrears of Crown-Rents, Quit-Rents, and other Publick Charges, Incurred, or become Due, from and after the Feast of Saint Michael the Arch-Angel, in the Year of our Lord, One thousand six hundred eighty eight, to the Day of the Date of the said Articles.

Provided always, And be it Enacted by the Authority aforesaid, That this Act, or any Thing therein Contained, shall not Extend, or be Construed to Extend to a Grant of any new Right to the aforesaid Persons, in whose Behalf the aforesaid Articles were made, or any of them; but that the same shall Extend, and be Construed to Extend, to the Restoring the said Persons, and every of them, to their said Estates of Free-Hold and Inheritance, against His Majesty, His Heirs and Successors, in as large and ample Manner as they should have Enjoyed the same, had they not been Guilty of the Rebellion, aforesaid, and not otherwise, or in any other Manner; Neither shall this Act Extend, or be Construed to Extend to Alter or Avoid the Possession of any such Lands, Tenements or Hereditaments, as have been Recovered or Gained by any other of His Majesty's Subjects from or against the said Persons, in whose Behalf the said Articles were made, or any of them, at any Time since the Date of the said Articles, Any Thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons, Comprehended

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in the ſaid Second Article, in the ſaid Articles mentioned ſhall Have, Hold and Enjoy all his and their Goods and Chattels, Real and Perſonal, to them, or any of them, at the Time of Making the ſaid Articles, belonging; and which then, or at that Time, Remained either in their own Hands, or in the Hands of any other Perſon or Perſons whatſoever, in Truſt for them, or for the Uſe of them, or any of them; and the ſaid Goods and Chattels, Real and Perſonal, as aforeſaid, ſhall Have, Hold and Enjoy, againſt His Majeſty, His Heirs and Succeſſors: And as for and concerning all other the Goods and Chattels, Real and Perſonal, which formerly did belong to, or were the Property of any of the ſaid Perſons Comprehended within the ſaid Articles, as aforeſaid, at any Time before the Date of the ſaid Articles, which ſaid Goods and Chattels, Real and Perſonal, had been at any Time ſince the Tenth Day of April, One thouſand ſix hundred eighty nine, and before the Date of the ſaid Articles, Seized, Sequeſtered, or by any manner of way Taken to the Uſe of His Majeſty, and Her ſaid late Majeſty the Queen, by any Sheriff, Eſcheator, Commiſſioner, Officer, Civil or Military, their Miniſters or Servants, or any other Perſon or Perſons whatſoever; and all other the Goods and Chattles of the ſaid Perſons, which were not in their own Poſſeſſion, or in the Poſſeſſion of any Perſon or Perſons as aforeſaid, in Truſt for them, at the Day of the making the ſaid Articles, the ſame by the Authority of this Act, ſhall be deemed, veſted and adjudged to be in the actual and real Poſſeſſion of His Majeſty, without any Office or Inquiſition thereof hereafter to be found or taken.

Saving to all and every Perſon and Perſons, Bodies Politick and Corporate, and to their Succeſſors, Executors, Adminiſtrators and Aſſigns, and to the Succeſſors, Executors, Adminiſtrators and Aſſigns of every of them, other than the ſaid Perſons in whoſe behalf the ſaid Articles were made, and their Executors, Adminiſtrators and Aſſigns, claiming any thing in the ſaid Goods and Chattles, Real and Perſonal, or any Part thereof, as Executors, Adminiſtrators, or Aſſigns of the ſaid Perſons, in whoſe behalf the ſaid Articles were made, or any of them, and all and every other Perſon or Perſons claiming, or having any thing in the ſaid Goods and Chattles Real or Perſonal as aforeſaid, Seized, Sequeſtred, or by any manner of way taken to the uſe of His Majeſty, as aforeſaid, to the uſe of the Perſons in whoſe behalf the ſaid Articles, were made, or any of them, or to the uſe of any of their Executors and Adminiſtrators; all ſuch Right, Title, Intereſt, Poſſeſſion, Uſe, Action, and Means to Recover the ſame, whatſoever, which they or any of them had, or

ought to have, in the Premiſſes, or any Part thereof, againſt the ſaid Perſons, in whoſe behalf the ſaid Articles were made, or any of them, in as large and ample Manner, to all intents and purpoſes, as if this Act had never been had or made, or any thing herein contained to the contrary notwithſtanding.

Provided always, That this Act, or any thing therein contained, ſhall not extend to avoid any Grant or Grants, at any time heretofore made by His Majeſty, and the late Queen (of Bleſſed Memory) or by His Majeſty of any ſuch Goods and Chattles, Real or Perſonal, hereby intended to be veſted in His Majeſty, as aforeſaid, but that ſuch Grant and Grants reſpectively, ſhall be and Remain in ſuch Force and Effect, as if this Act had not been made.

Provided always, and be it Enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be conſtrued, to be Reſtored within the Intent and Meaning of the ſaid Articles, or of this Act, who at the time of their hearing their reſpective Claims to the Benefit of the ſaid Articles, ſhall neglect or refuſe to take the Oaths of Fidelity to His Majeſty, mentioned in the ſaid Articles; nor to Reſtore ſuch, who at the time of making of the ſaid Articles, was, or were out of the Kingdom of Ireland,

Except ſuch Perſons as are Comprized in the Fourth Article of the ſaid Articles, made for the late Surrender of Limerick, which ſaid Perſons, in the ſaid Fourth Article Comprized, ſhall have the Benefit of the ſaid Second Article, in ſuch Manner and Form as in and by this Act is, as aforeſaid, Declared, and no otherwiſe.

Provided the ſaid Perſons in the ſaid Fourth Article, named, reſpectively did return hither within the ſpace of Eight Months, from the Date of the ſaid Articles, and have within that time ſubmitted to the Government of His Majeſty, and Her late Majeſty, the late Queen; and alſo, within that time taken the Oath of Allegiance to His Majeſty, and Her late Majeſty the Queen.

Be it further Enacted by the Authority aforeſaid, That all Merchants or reputed Merchants, Inhabitants of the Town of Limerick, or of any other Garriſon, which at the time of making the ſaid Articles, was poſſeſſed by the Iriſh, or of any Town or Place in the Counties of Clare or Kerry, who were abſent beyond the Seas, and that have not been in Arms ſince the Declaration made by His Majeſty, and Her late Majeſty Queen Mary, in February One thouſand ſix hundred eighty eight, ſhall have the Benefit of the Second Article, in Manner and Form aforeſaid, Declared, in as large and ample manner, as if ſuch Merchants or reputed Merchants had been preſent at the making of the ſaid Articles.

Provided

Provided such Merchants, or reputed Merchants, did repair into this Kingdom within the space of Eight Months from the Date of the said Articles, and submitted himself, or themselves, to His Majesty, and Her late Majesty's Government.

And be it Enacted by the Authority aforesaid, That all and singular the Persons already Adjudged, or that shall hereafter be Adjudged to have been Comprized within the Second and Third Articles, of the aforesaid Articles of Limerick, shall from henceforth be deemed and taken to be, as to any Prosecution, in the Name and Behalf of His Majesty, and of Her late Majesty, or in the Name and Behalf of His Majesty, His Heirs and Successors, fully and absolutely Pardoned by the Authority of this Act, of all Attainders or Out-Lawries in this Kingdom, had or done, for all Treasons, Misprisions of Treasons, Premunires, Felonies, Trespasses and other Crimes or Misdemeanors whatsoever, by them, or any of them, committed or done since the beginning of the Reign of the late King James, to the Third Day of October, One thousand six hundred ninety one.

And be it further Enacted by the Authority aforesaid, That from and after the Expiration of Two Years, to be computed from the First Day of September, One thousand six hundred ninety seven, no Person or Persons whatsoever, shall be Adjudged, Deemed, or Taken to be Intitled to, or have the Benefit of the said Articles, who shall not be Adjudged within that time to be Comprehended therein.

And whereas some Questions or Doubts have arisen, for, and concerning the Time of the beginning of the Rebellion or War, in this Kingdom, Be it Enacted by the Authority aforesaid, That the said Rebellion, or War, is hereby Declared to have begun upon the Tenth Day of April, One thousand six hundred eighty nine, the same being the Day limited to the said Rebels and Traitors by His Majesty, and Her late Majesty's Declaration, in February One thousand Six hundred eighty eight, for the said Rebels and Traitors laying down of their Arms, and accepting of their said Majesties Grace and Mercy, on the Terms in the said Declaration proposed.

And that no Person or Persons whatsoever, already Adjudged, or that shall be hereafter Adjudged, to be Comprehended in the foregoing Articles, shall be Sued, Molested, or Impleaded, at the Suit of any Party or Parties whatsoever, for any Trespasses by the said Persons as aforesaid, comprized, committed or done at any time, since the said Tenth of April, One thousand six hundred eighty nine, and before the Date of the said Articles, or for any Arms, Horses, Money, Goods, Chat-

tles, Merchandizes, or Provisions whatsoever, by them seized or taken at any time after the said Tenth Day of April, One thousand six hundred eighty nine, and before the Date of the said Articles; and no Person or Persons whatsoever, in the Second or Third Articles Compriz-ed, shall be Sued, Impleaded, or made accountable for the Rents or Mesne-rates of any Lands, Tenements, or Houses by him or them received or enjoyed in this King-dom, since the said Tenth Day of April, One thousand six hundred eighty nine, to the Day of the Date of the said Articles, nor for any Waste or Trespass by him or them committed in any such Lands, Tenements or Hou-ses, since the said Tenth Day of April, One thousand six hundred eighty nine, and before the Date of the said Ar-ticles.

And whereas it is necessary that a time be limited for the bringing of the said private Actions, for, or on account of such Wrongs, Injuries and Tresposses, as aforesaid, committed or done by any Person or Persons Comprehended, or Claiming the Benefit of the said Arti-cles since the said Fifth Day of November, One thousand six hundred eighty eight, to the said Tenth Day of April, One thousand six hundred eighty nine.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, to, and for such Person and Per-sons as have had any Wrongs, Injuries and Tresposses committed upon them, by any of the Persons aforesaid, since the said Fifth Day of November, One thousand six hundred eighty eight, and before the said Tenth Day of April, One thousand six hundred eighty nine, to commence his or their Action or Actions against such Tresposser or Trespossers, Wrong-doer or Wrong-doers, at any time within the space of One Year, to be accounted from the said First Day of September One thousand six hundred ninety seven, and at no other time or times after the Ex-piration of the said Year, any Law or Statute to the contrary notwithstanding.

CHAP.

CHAP. XXVIII.

An ACT to Prevent *Proteſtants* Inter-Marrying with *Papiſts*.

WHereas many Proteſtant Maidens and Women, as well ſuch as be Heirs Apparent to their Anceſtors, as others, having left unto them by their Father, or other Anceſtor, or Friends, Manors, Lands, Tenements and Hereditaments, or other great Subſtances in Goods or Chattels, Real or Perſonal, for their Advancement in Marriage; or having had conſiderable Eſtates for Life, by Dower or Jointure, or having had the Tuition or Guardianſhip of Proteſtant Children Intitled to ſuch Eſtates or Intereſts, as aforeſaid, by Flattery and other Crafty Inſinuations of Popiſh Perſons, have been Seduced and Prevailed upon to Contract Matrimony with, and take to Husband, Papiſts or Popiſh Perſons; which Marriages have not only Tended to the Ruin and Deſtruction of ſuch Eſtates and Intereſts, and to the great Loſs and Damage of many Proteſtant Perſons, to whom the ſame might Deſcend or Come, but as well to the Corrupting and Perverting ſuch Proteſtants, ſo Marrying, and the Proteſtant Perſons in their Tuition and Guardianſhip, as aforeſaid, that they forſake their Religion, and become Papiſts, to the great Diſhonour of Almighty God, the great Prejudice of the Proteſtant Intereſt, and the heavy Sorrow and Diſpleaſure of all their Proteſtant Friends. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons, in this preſent Parliament Aſſembled, and by the Authority of the ſame, That if any Proteſtant Maid or Woman, Unmarried, being Heir Apparent to her Anceſtor, or having a Sole or Joynt Eſtate or Intereſt, in Fee-Simple, or in Fee-Tail, or being Seized in Fee-Simple, or in Coparcenary, or in Common, or being Seized of an Eſtate for Life or Lives, by way of Jointure, Dower, or otherwiſe; or being Poſſeſſed of, or Intitled unto any Beneficial Intereſt, or Term for Years, of or in any Manors, Lands, Tenements, Rents and Hereditaments, in Poſſeſſion, Reverſion or Remainder, or being Poſſeſſed of, or Intitled to any Perſonal Eſtate, either in Money, Stock, Plate, Jewels, or other Goods and Chattels, in Law or Equity, to the Value of Five Hundred Pounds, Sterling, or

more, ſhall, at any Time after the Firſt Day of January next, Marry, or Take to Huſband any Perſon whatſoever, without having firſt Obtained a Certificate, in Writing, under the Hand of the Miniſter of the Pariſh, Biſhop of the Dioceſs, and ſome Juſtice of the Peace, Living near the Place, or any Two of them, where ſuch Perſon ſhall be Reſident at the Time of ſuch Marriage, that he is a known Proteſtant; which Certificate ſhall alſo be Atteſted under the Hands of Two or more Credible Witneſſes, and ſhall be Granted without Fee or Reward, That then, and from the Time of ſuch Marriage, ſuch Proteſtant Perſon, ſo Marrying, and the Perſon ſhe ſhall ſo Marry, ſhall be for ever afterwards Diſabled and Rendered Incapable of Having, Holding or Enjoying all or any of the aforeſaid Eſtates or Intereſts, which ſuch Proteſtant Perſon, ſo Marrying, ſhall, may or ought to have, at the Time of ſuch Marriage; and that by ſuch Marriage, as aforeſaid, all and every of the ſaid Eſtates and Intereſts belonging to ſuch Proteſtant Perſon or Perſons, ſo Marrying, as aforeſaid, ſhall Go to, and be Veſted in, and in Law Deemed and Eſteemed to be the Right, Title, Eſtate and Intereſt of the next Proteſtant of the Kin, to whom ſuch Eſtate or Intereſt would Deſcend or Come to by Law, were ſuch Proteſtant Maid or Woman, and all other Intervening Popiſh Heirs, Executors or Adminiſtrators, really Dead and Inteſtate, at the Time of ſuch Marriage; and that from the Time of ſuch Marriage, ſuch next Proteſtant of the Kin, as aforeſaid, to whom all or any of the ſaid Eſtates or Intereſts ſhall Come by ſuch Marriage, as aforeſaid, ſhall Have, Hold, Poſſeſs and Enjoy all and every ſuch Eſtates and Intereſts, in as Large, Ample and Beneficial Manner, to all Intents and Purpoſes, as ſuch Proteſtant Maid or Woman might Have, Held, Poſſeſſed, or Enjoyed the ſame, in Caſe this Act had never been made; and that at any Time after ſuch Proteſtant Maid or Woman ſhall Marry, without ſuch Certificate, as aforeſaid, it ſhall and may be Lawful to and for ſuch Proteſtant Perſon or Perſons, to whom all or any of the ſaid Eſtates or Intereſts ſhall Come by ſuch Marriage, as aforeſaid, by any Action at Law, or other Legal Means whatſoever, to Sue for, and Recover, all or any of the ſaid Eſtates or Intereſts, as if ſuch Proteſtant Perſon or Perſons, ſo Marrying, as aforeſaid, and all other Intervening Popiſh Heirs, Executors or Adminiſtrators, were really Dead and Inteſtate, as aforeſaid, and as if ſuch Perſon or Perſons, who ſhall ſo Sue for, and Recover, all or any of ſuch Eſtates or Intereſts, were Rightfully and Legally Intitled thereto, as Heir, Executor or Adminiſtrator to ſuch Proteſtant Maid or Woman Marrying, as aforeſaid;

ſaid; ſuch Maid or Woman being, by ſuch Marriage, to be Deemed and Eſteemed Dead in Law, to the aforeſaid Intents, Conſtructions and Purpoſes.

And if any ſuch Proteſtant Maid or Woman, as aforeſaid, ſhall, at any Time after the Firſt Day of January, One thouſand ſix hundred ninety ſeven, Marry any ſuch Perſon, without ſuch Certificate, as aforeſaid, That then, and from thenceforth, ſuch Proteſtant Perſons, and ſuch Husband as ſhe ſhall ſo Marry, as aforeſaid, ſhall for ever be Incapable of being Heir, Executor, Adminiſtrator or Guardian of or to any Proteſtant or Proteſtants whatſoever; and in caſe any Proteſtant Woman, as aforeſaid, is now Married to a Popiſh Perſon, and hath now by Law a Title, or is Choſen or Appointed to be Guardian to any Proteſtant Perſon or Perſons, having all or any of the ſaid Eſtates or Intereſts, aforeſaid, That in ſuch Caſe, from and after the ſaid Firſt Day of January, ſuch Guardian ſhall be utterly Uncapable of being any longer ſo Guardian, or to Receive any the Rents, Iſſues or Profits of the ſaid Eſtates or Intereſts of ſuch Perſon or Perſons in Guardianſhip, as aforeſaid; and the Right and Title of ſuch Guardianſhip, ſhall Devolve on, and Come to the next Proteſtant or Proteſtants of the Kin, to whom the Eſtate of ſuch Perſon or Perſons in Guardianſhip, as aforeſaid, cannot Deſcend, Unleſs ſuch Perſon ſhall be Uncapable in Law, or ſhall be Adjudged Unfit for ſuch Guardianſhip, by the Court of Chancery in this Kingdom: In either of which Caſes, ſuch Right of Guardianſhip ſhall Go to the next Proteſtant of Kin, who ſhall be Capable and Fit for the Diſcharge of ſuch Truſt, who ſhall take into his, her or their Care and Tuition, ſuch Perſon and Perſons in Guardianſhip, as aforeſaid, and Receive the Rents, Iſſues and Profits of ſuch Eſtates and Intereſts, belonging to ſuch Perſon or Perſons, ſo in Guardianſhip.

And that in Caſe any Proteſtant Miniſter or Popiſh Prieſt, or other Perſon whatſoever, ſhall, after the ſaid Firſt Day of January, Joyn in Marriage any Proteſtant Maid or Woman, having any of the ſaid Eſtates or Intereſts, aforeſaid, to any Perſon whatſoever, without having ſuch Certificate in Writing, as aforeſaid, Then every ſuch Proteſtant Miniſter, Popiſh Prieſt, or other Perſon whatſoever, Joyning in Marriage, as aforeſaid, ſuch Proteſtant Maid or Woman, to any Perſon, without ſuch Certificate, as aforeſaid, for every ſuch Offence, he or they ſhall ſo Commit, being Convicted thereof by his or their Confeſſion, or by the Verdict of a Jury of Twelve Men of the County wherein ſuch Offence ſhall be Committed, ſhall ſuffer One Year's Impriſonment, without Bail or Mainprize, and Forfeit the Sum of Twenty Pounds,

Sterling; the one Moiety thereof to our Sovereign Lord the King, that now is, His Heirs and Successors, and the other Moiety to the Party or Parties that will Sue for the same, by any Bill, Plaint, Action, Suit or Information, wherein no Essoyn, Wager of Law, or Protection, shall be Allowed.

And whereas the Marriages of Protestant Persons, to, and with Popish Maidens and Women, have proved pernicious to the Protestant Interest, it commonly happening such Protestant Persons, and their Issues, being influenced by such Popish Wives, are reconciled to Popery, and become Papists: For Remedy whereof, Be it further Enacted by the Authority aforesaid, That in case any Protestant Person or Persons, shall after the said First Day of January next, Marry any Maiden or Woman without having obtained a Certificate in Writing, under the Hand of the Minister of the Parish, Bishop of the Diocess, and some Justice of the Peace, living near the Place where such Maid or Woman shall be resident at the time of such Marriage, or any Two of them, of her being a known Protestant, which Certificate, shall be Attested by Two Credible Witnesses, as aforesaid, and shall be granted without Fee or Reward; such Person or Persons, so Marrying any Maiden or Woman, shall from and after such Marriage, be in Law, deemed and esteemed to all Intents, Constructions and Purposes, to be a Papist or Popish Recusant, and shall for ever afterwards, be disabled and rendered Incapable of, and from being Heir, Executor, Administrator, or Guardian to any Person or Persons whatsoever, as also, be disabled to sit in either House of Parliament, and rendered Incapable of, and from having, bearing, or exercising, any Civil or Military Office or Imployment whatsoever, unless such Person so Marrying, shall within One Year after such Marriage, procure such Wife to be Converted to the Protestant Religion, and shall obtain a Certificate under the Hand and Seal of the Bishop of the Diocess, or Archbishop of the Province, or Chancellor of this Kingdom, that she hath renounced the Popish Religion, and is become a Protestant, and shall procure the said Certificate to be Inrolled in the Court of Chancery in this Kingdom.

And whereas several Popish Priests have of late endeavoured to withdraw several of the Soldiers, Inlisted in His Majesty's Army, from His Majesty's Service, by Marrying them to Popish Wives.

Be it therefore further Enacted, That any Popish Priest or Protestant Minister, or other Person whatsoever, that shall Marry any Soldier, Inlisted in His Majesty's Army in this Kingdom, to any Wife without such

ſuch Certificate, as aforeſaid, ſhall Forfeit the Sum of Twenty Pounds for every ſuch Offence, to be Levied by Warrant from any Juſtice of the Peace in any County in this Kingdom, where ſuch Offence ſhall be Committed, of Goods and Chattles of the Offender, or in Default thereof, the Party ſo Offending to be Committed to the County Goal, there to remain without Bail or Mainprize, until he ſhall Pay the ſaid Sum, one Moiety thereof to ſuch Perſon or Perſons that ſhall give Information, and make out ſuch Offence before any Juſtice of the Peace, and the other Moiety to the Treaſurer of the County, to be applied to the uſe of the County, and that every Juſtice of the Peace ſhall give an account of his Proceedings to the next Quarter-Seſſions.

Provided always, That any Perſon that ſhall think himſelf Aggrieved, by the Judgment of any Juſtice of the Peace, may have Liberty to Appeal to the next Quarter-Seſſions, where the ſaid Matter ſhall be Examined, and ſuch Relief therein given, as to the Juſtices at the Quarter-Seſſions ſhall ſeem reaſonable.

Provided always, and be it Enacted, That in all Caſes where a Certificate is required by this Act, that the Perſon Marrying is a known Proteſtant, if any Marriage ſhall be made without ſuch Certificate, and it can afterwards be made appear by Proof, that ſuch Perſon was a known Proteſtant, that in ſuch Caſe, they ſhall not be Lyable to any Forfeitures or Penalties in this Act.

CHAP. XXIX.

An ACT for granting an Additional Duty on Tobacco; and for continuing unto His Majeſty an Aid, or Additional Cuſtom on ſeveral Goods and Merchandizes. And alſo, for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty-fifth Day of *December*, One thouſand Seven hundred and Two.

WE Your Majeſty's Obedient and Faithful Subjects, the Commons of Ireland, in Parliament Aſſembled, being by Duty obliged, and always ready, to the utmoſt of Our Abilities, to ſupply and furniſh Your Majeſty with ſuch Sums of Money, as may defray the neceſſary Charge of the Government of this Kingdom, and to pro-

provide for such publick Works, as may tend to the Quiet and Good of the same; do with all Gratitude and Humility, express Our Thankfulness to Your Majesty, for having upon the Address of Commons in Parliament Assembled, given Orders to grant Respites from Time to Time, to the collecting of Quit-Rents, Crown-Rents, and Composition-Rents, due to Your Majesty, out of the Houses and Lands, which, through the Calamities of the late Rebellion, have been waste from the Five and Twentieth of March, One thousand, Six hundred, Ninety-two, to the Five and Twentieth of March, One thousand, Six hundred, Ninety-five, and thereby have been disabled to pay the same; and also for giving Orders and Directions for the due Regulation and Government of the Army in this Kingdom, by which Means the Soldiers have been less Grievous and Burthensome to the same, than formerly, in their respective Garrisons and Quarters.

But forasmuch as it is found to be absolutely necessary, as well for the good Discipline and Order of Your Majesty's Army, as for the Welfare of Your Majesty's Liege People of this Realm; that the said Army should be disposed of, and lodged, and quartered in Barracks, whereby they will not only be kept together, under the Eye and Care of their several Officers, but Your Majesty's other Subjects of this Kingdom will thereby be eased of Quartering in their Houses, to which they have formerly, for the Necessity of Affairs, submitted: Therefore, as a further Supply to Your Majesty, and also towards the Building and Erecting Barracks in such convenient and necessary Parts of this Kingdom, for the Use of the Army, as to Your Majesty shall seem most proper for the same: And that the said respited Arrears of Quit-Rent, Crown-Rent, and Composition-Rent, due out of waste Houses and Lands, from the Five and Twentieth of March, One thousand, Six hundred, Ninety-two, to the Five and Twentieth of March, One thousand, Six hundred, Ninety-five, may be effectually answered unto Your Majesty's Exchequer, and to answer the other Uses hereafter in this Act provided for, in Addition to the Supplies already granted to Your Majesty this Session of Parliament; We humbly beseech Your Majesty, that it may be Enacted.

And be it Enacted by the Kings Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That an Additional Duty of One Penny per Pound be raised and levied upon all Tobacco that shall be found to be, or to have been in this Kingdom, in the Hands of any Merchant,

Merchant, or other Perſon whatſoever, the Firſt Day of November, One thouſand, Six hundred, Ninety-ſeven, whenſoever the ſame was Imported: And alſo upon all Tobacco that ſhall be Imported into this Kingdom after the Firſt Day of November, One thouſand, Six hundred, Ninety-ſeven, until the Five and Twentieth of December, which ſhall be in the Year of Our Lord, One thouſand, Six hundred, Ninety-nine.

And whereas it is found neceſſary to anſwer the Ends aforeſaid, That the Additional Cuſtom granted to His Majeſty on ſeveral Goods and Merchandizes, by ſeveral Acts made in this Seſſion of Parliament, ſhall be continued till the Five and Twentieth of December, One thouſand, Seven hundred, and Two.

Be it further Enacted by the Authority aforeſaid, That all Tobacco, Muſlin, Callicoes, and all Sorts of Linnen, Scotch Cloth, and Wines, except Wines of the Growth of Spain, and of the Dominions thereunto belonging, that ſhall be Imported into this Kingdom at any time, from and after the Four and Twentieth Day of December, One thouſand, Six hundred, Ninety-nine, unto the Five and Twentieth Day of December, which ſhall be in the Year, One thouſand, Seven hundred and Two, and no longer; ſhall anſwer and pay unto His Majeſty, His Heirs and Succeſſors, over and above all Rates and Duties due, or payable for, or out of the ſame, by Vertue of any former, or other Law in Force in this Kingdom (except only the ſeveral Statutes formerly made in this preſent Seſſion of Parliament, which laid ſeveral Additional Duties on the ſaid Goods, until the ſaid Five and Twentieth Day of December, which will be in the Year, One thouſand, Six hundred, Ninety-nine) the ſeveral Rates and Duties hereafter mentioned: (That is to ſay) For every Pound Weight of Tobacco to be Imported within the Time aforeſaid, Two Pence half-penny Sterling, for every Ell of Muſlin, Callico, and of all and every other Sorts of Linnen, Imported within the Time aforeſaid (Scotch Cloth excepted) Six pence Sterling; and for every Yard of Scotch Cloth, Imported within the aforeſaid Time, Six pence Sterling; for every Tun of Wine (except Wines of the Growth of Spain, and the Dominions thereunto belonging) Imported within the Time aforeſaid, Three Pounds Sterling; and ſo proportionably for a greater, or leſſer Quantity: Which ſeveral Duties ſhall, and may be raiſed, collected and levied, and paid unto His Majeſty, His Heirs and Succeſſors, during the Time aforeſaid, at the ſame Times, and in the ſame Manner and Place, and by ſuch Rules, and Ways, and Means, and under ſuch Penalties and Forfeitures, as are mentioned and expreſſed in one Act of

Parliament, made in a Seſſion of Parliament, which began the Eighth Day of May, in the Thirteenth Year of the Reign of the late King Charles the Second, Intituled, An Act for Settling the Exciſe, or New Impoſt, upon the ſaid late King Charles the Second, His Heirs and Succeſſors; the ſame to be paid upon Merchandizes, Imported and Exported into, or out of the Kingdom of Ireland, according to the Book of Rates to the ſaid Act annexed.

Provided always, And be it further Enacted by the Authority aforeſaid, That the Merchant, or other Importer, of any Tobacco, ſo charged, as aforeſaid, with the ſaid Additional Duty of One penny per Pound Weight, until the Twenty-fifth of December, One thouſand, Six hundred, and Ninety-nine, and with the Additional Duty of Two pence half-penny per Pound, from that Time till the Fifth of December, One thouſand, Seven hundred, and Two, ſhall have like Time for Payment of ſuch Additional Duty and Duties, as they had, or ought to have, by Vertue of the above-named Act of Exciſe, or New Impoſt; any thing herein contained to the contrary notwithſtanding.

And be it further Enacted, That from and after the Twenty-fourth Day of December, which will be in the Year, One thouſand, Six hundred, Ninety-eight, there ſhall be, throughout this His Majeſty's Kingdom of Ireland, raiſed, levied, collected and paid unto His Majeſty, His Heirs and Succeſſors, unto the Twenty-fifth Day of December, which will be in the Year of Our Lord God, One thouſand, Seven hundred, and Two, for Beer, Ale, and other Liquors hereafter expreſſed, by Way of Exciſe, over and above all other Duties, Charges, and Impoſitions thereout, then payable, the Exciſe or Duty hereafter following: (That is to ſay) For every Thirty-two Gallons of Beer, or Ale, above Six Shillings the Barrel, Price, Brewed within this Kingdom, by the Common Brewer, or in his Veſſels, or by any other Perſon or Perſons who doth, or ſhall, ſell Beer or Ale publickly, or privately, to be paid by the Common Brewer, or by ſuch other Perſon or Perſons, reſpectively, One Shilling and Six pence; and ſo proportionably for a greater or leſſer Quantity, over and above the Duties payable for the ſame, if this Act had not been made. And for every Thirty-two Gallons of Beer, or Ale of Six Shillings the Barrel, Price, or under, Brewed by the Common Brewer, or other Perſon or Perſons, who doth, or ſhall ſell Beer, or Ale publickly, or privately, to be paid by the Common Brewer, or by ſuch other Perſon or Perſons, reſpectively, for a greater or leſſer Quantity, Three pence, over and above what would be payable for the ſame, if this Act had not been made.

And

And be it further Enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of December, in the Year of Our Lord God, One thousand, Six hundred, and Ninety-eight, there shall be, throughout this His Majesty's Kingdom of Ireland, raised, levied, collected, and paid unto His Majesty, during the aforesaid Space and Term of Four Years, ending on the Twenty-fourth Day of December, One thousand, Seven hundred, and Two, an Additional Duty, or Excise of Three pence upon every Gallon of Aquavitæ, Strong-waters, and Balcan, or other potable Spirits, made or distilled in this Realm for Sale, whether of Foreign or Domestick Spirits, or Materials; the same to be paid by the First Maker or Distiller thereof; and so proportionably for a greater or lesser Quantity, over and above all other the Duties that would have been payable for the same, if this Act had not been made.

And be it further Enacted by the Authority aforesaid, That the several Rates and Duties of Excise, hereby granted on the several Liquors aforesaid, shall be raised, levied, collected, recovered, and paid unto His Majesty in the same Manner and Form, and by such Ways and Means, and under such Penalty and Penalties, and Forfeitures, as are mentioned and expressed, and directed for the collecting, gathering, and recovering of the several Duties of Excise, in, and by the said Act of Excise, or New Impost, made in the Fourteenth Year of the late King Charles the Second, Intituled, An Act for Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted, or by any other Law now in Force; with the like Liberty of Appeal to, and for the Parties grieved, as in, and by the said former Act is respectively provided.

And be it further Enacted by the Authority aforesaid, That no Innkeeper, Victualler, or other Retailer of Beer or Ale, at any Time hereafter, during the Continuance of the aforesaid Additional Duties on Beer and Ale, by this Act Imposed, shall be Sued, Impleaded, or Molested by Indictments, Informations, Action, or otherwise, for selling and uttering of Beer and Ale, at any other, and higher Prices, than the Prices heretofore limited and appointed: But that all Officers and other Persons, concerned in Assizing of Beer and Ale throughout this Kingdom, shall take Care to Assize the same, with Regard to the Additional Charge or Duty aforesaid.

And be it further Enacted and Ordained by the Authority aforesaid, That all, and every Merchant, Importer, Shop-keeper, Retailer, or other Person or Persons, Inhabiting or Trading within the City of Dublin, and all other Towns Corporate, Ports, and all other Places of

this Kingdom, do within the several Times herein after mentioned; (That is to say) In the City and Suburbs of Dublin, within Four Days after the First Day of November, One thousand, Six hundred, Ninety-seven: And in all other Places, within Ten Days after the First Day of November, One thousand, Six hundred, Ninety-seven, make and deliver under his, or their Hands, to the Commissioners of Excise, for the Time being; their Sub-Commissioners, Collectors, or other Chief Officers of Excise, of the District, in which he or they live or inhabit; a true and perfect Account of all Tobacco remaining in the Possession of every such Merchant, Shop-keeper, Retailer, or other Person whatsoever; or in the Possession of any other, to his, or their Use, at the respective Times aforesaid: And shall likewise make Oath before the said Commissioners, Sub-Commissioners, Collectors, or other Chief Officer, as aforesaid, who, or any of them, hereby are authorized to Administer the same; that the Account by him or them given, is a true, just, and perfect Account of all the Tobacco in his Possession, or in the Possession of any other in Trust for him, or them; and the said Commissioners of Excise, or their said Sub-Commissioners, Collectors, or other Chief Officer, respectively, are hereby charged and required to send one or more Officer or Officers, to enter into the Cellar, Vault, Store-cellar, Store-house, Ware-house, or other Place, or Places whatsoever, to any Merchant, or other Person in this Kingdom belonging, to Search, See, and Try, whether the Quantity of Tobacco do not exceed such Account given under Hand, as aforesaid; and if the same shall be found to agree, that then the Duty of One Penny per Pound, shall be immediately paid down at the usual Allowance of Imported Excise, or Bonds, with sufficient Security, be immediately passed to His Majesty for Payment of the same in Three Months time; and in case any Merchant, or other Person lyable to give an account as aforesaid, shall neglect, omit, or refuse to make and deliver in such an Account at the time aforesaid, or else making and delivering in such Account, shall not upon demand thereof, by such Officer or Officers as shall be thereunto appointed, suffer him or them to enter into his or their House or Houses, Ware-house, Store-cellar, Store-house, Vaults, or any Place or Places, to him or them belonging, or admitting them, as aforesaid; shall hide, conceal, or not shew all, and every, his and their Vaults, Store-houses, Ware-houses, and other Places, or shall make a short Return of any Tobacco to him or them belonging; or conceal it from View of the Officer or Officers, appointed to search for, and view the same, shall, for every such Offence, forfeit Five

Pounds

Pounds Sterling, over and above ſuch Quantity or Quantities of Tobacco, as ſhall be found to exceed ſuch his Account, returned under his, or their Hand or Hands, the one Moiety to His Majeſty, His Heirs and Succeſſors, and the other Moiety to the Informer; the ſaid Penalties and Forfeitures, to be proſecuted, recovered, and condemned in the ſame Manner, and according to the Methods preſcribed in the ſaid Act, for Settling the New Exciſe, or Impoſt, upon the ſaid late King Charles the Second.

And be it further Enacted, That whatſoever Sum or Sums of Money the ſaid Aid, or Additional Duty, ſhall yield unto His Majeſty, over and above the Sum of Fifty thouſand Pounds Sterling; immediately, and in the firſt Place payable unto His Majeſty, be, and ſhall be paid and applied to the ſeveral Uſes following, and to no other Uſe whatſoever: (That is to ſay) The Sum of Twenty-five thouſand Pounds, which ſhall be firſt raiſed, levied, and received out of the Aid aforeſaid, over and above the ſaid Sum of Fifty thouſand Pounds, ſhall be employed in, and applied to the Building of Barracks, for Soldiers, in the moſt uſeful, convenient, and neceſſary Parts and Places in this Kingdom, according to the Directions of the Chief Governor or Governors, for the Time being; which Barracks ſhall be forthwith begun, and carried on from Time to Time, as faſt as any Part of the ſaid Sum of Twenty-five thouſand Pounds, allotted for the Building thereof, ſhall come in, and be received out of the ſaid Additional Duties, or Aid, granted to His Majeſty by this preſent Act. And we humbly beſeech Your Majeſty, That Your Majeſty will be graciouſly pleaſed to accept of the further Sum of Twenty-one thouſand, and Twenty-ſeven Pounds, Three Shillings, and Six Pence half-penny, to be raiſed and levied out of the ſaid Additional Cuſtoms, or Duties, by this preſent Act, granted unto Your Majeſty, in full diſcharge of the Arrears of Quit-rent, Crown-rent, and Compoſition-rent, due to Your Majeſty, out of the Houſes and Lands that were returned to be waſte, from the Five and twentieth Day of March, One thouſand, Six hundred, and Ninety-two, to the Twenty-fifth of March, One thouſand, Six hundred, Ninety-five; the Collection whereof was reſpited, upon the humble Application of Your Majeſty's Subjects, the Commons of Ireland in Parliament Aſſembled.

And be it further Enacted, That the ſeveral Lands, Tenements, and Hereditaments, returned to have been waſte, from the Twenty-fifth of March, One thouſand, Six hundred Ninety-two, to the Twenty-fifth of March, One thouſand, Six hundred Ninety-five, and reſpited as aforeſaid, ſhall be, and always hereafter ſhall be taken, deemed, and adjudged to be free and diſcharged of, and

from all Quit-rents, Crown-rents, and Compoſition-rents, and of, and from all Arrears thereof contracted, incurred, or become due, between the ſaid Twenty-fifth Day of March, One thouſand, Six hundred, Ninety-two, to the Twenty-fifth of March, One thouſand, Six hundred, Ninety-five, incluſive: And that no Perſon or Perſons whatſoever, hereafter, ſhall be Diſtrained, or otherwiſe Sued, Vexed, Proceſſed, or Impleaded for, or on Account for the ſame, or any Part whatſoever thereof; and that no Officer, or other Perſon whatſoever do Diſtrain, or Iſſue any Proceſs for the ſame, or any Part thereof, under the Pain and Penalty of paying to the Perſon grieved thereby, double Coſts, and double Damages, for ſuch unjuſt Suit, Moleſtation, or Vexation.

And to the End the Arrears of Quit-rents, Crown-rents, and Compoſition-rents, hereby intended to be diſcharged, may be aſcertained,

Be it further Enacted by the Authority aforeſaid, That the Commiſſioners of His Majeſty's Revenues, from the Books and other Papers which have been tranſmitted to them, from the Collectors and other Officers of His Majeſty's Revenues, before the One and Twentieth Day of Auguſt, One thouſand, Six hundred, Ninety-ſeven, wherein any ſuch Rents are mentioned, to be reſpited, as being charged upon any Houſes or Lands that are waſted, ſhall make a particular Account in Writing, of all ſuch Arrears ſo reſpited for the Time aforeſaid, in Caſe they do not exceed Twenty-one thouſand, Twenty-ſeven Pounds, Three Shillings, and Six pence half-penny: And if they do exceed Twenty-one thouſand, Twenty-ſeven Pounds, Three Shillings, and Six pence half-penny, then an Apportionment ſhall be made of the ſaid Rents; ſo that the ſaid Account ſhall not exceed in the whole, Twenty-one thouſand, Twenty-ſeven Pounds, Three Shillings, and Six pence half-penny: And that the ſaid Commiſſioners ſhall deliver the ſaid Account into the Office of the Auditor-General, before the Twenty-fifth Day of March, One thouſand, Six hundred Ninety-eight, to which all Perſons concerned ſhall have free Acceſs without Fee or Charge.

And it is hereby provided and Enacted, That nothing in this Act contained ſhall extend to diſcharge any Arrears of Quit-rents, Crown-rents, or Compoſition-rents, charged on any Houſes or Lands for being waſted, unleſs ſuch particular Arrear be contained in the ſaid Account of Arrears, to be diſcharged as aforeſaid.

And in Caſe the ſaid Commiſſioners ſhall refuſe, or neglect to make, and deliver into the Auditors Office, the ſaid Account within the Time aforeſaid, they, and every of them, ſhall forfeit treble Damages to every Perſon who ſhall be grieved by ſuch Neglect or Refuſal, to be recovered

covered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Dublin, in which no Essoyn, Protection, Wager of Law, or more than one Imparlance shall be allowed, any thing herein contained to the contrary notwithstanding.

And if any Person or Persons shall be hereafter Impleaded, or Molested, contrary to the scope or intent of this Act, that such Person or Persons, shall not be obliged to Discharge himself by Plea, or Record, from such Charge, but shall be admitted to Discharge himself by Motion, in His Majesty's Court of Exchequer, without any Charge, Fee, or Reward, and by shewing unto the said Court this present Act, and making it appear by Affidavit, and Certificate of the Auditor-General, that the Quit-Rent, Crown-Rent, or Composition-Rent, for which he is Distrained, Sued, or Impleaded, became Due, between the Twenty Fifth of March, One thousand six hundred ninety two, and the Twenty Fifth of March, One thousand six hundred ninety five, inclusive, out of Houses, or Lands, returned waste, as aforesaid, before mentioned, and are mentioned, and comprehended in such Account, Transmitted to the Auditor-General, to be charged upon waste Lands, and for that reason respited as aforesaid; which Certificate, the Auditor-General, shall be obliged to give on demand, to the Person requiring the same, without Fee or Reward.

And be it further Enacted, That from and after the time that the said Sums of Fifty thousand Pounds, and Twenty Five Thousand Pounds, and Twenty One Thousand Pounds, and Twenty Seven Pounds, Three Shillings and Six Pence Half-penny, shall have been Levied and Paid unto His Majesty, out of the present Aid, or Additional Custom, granted unto His Majesty by this present Act, that what other, or further Sums shall, and may be Levied and Collected by vertue thereof, shall, and may be Paid, and Applied to the Use following: That is to say,

Whereas Sir Audley Mervin, Knight, Prime-Serjeant to His Majesty King Charles the Second, was in his Life-time Speaker of the House of Commons, in the Parliament which began in this Kingdom, in the Year One thousand six hundred and sixty one, and continued so till the Dissolution of the said Parliament, in the Year One thousand six hundred and sixty six; during which time the said Sir Audley Mervin not only spent great part of his Fortune in supporting the State and Dignity of that Honourable Imployment, but wholly declined his Practice at the Bar, which was very considerable.

And whereas the said House of Commons humbly Addressed themselves to the Government, in behalf of the

ſaid Sir Audley Mervin, for the Sum of Six thouſand Pounds Sterling, to be beſtowed on him, for his great Services done to His Majeſty, and the Engliſh Intereſt of this Kingdom, in that Station, of which Sum, however, he never received any part, ſo as the ſaid Sir Audley Mervin, was forced to charge his Real Eſtate with great Sums of Money, for Portions and otherwiſe, and the ſame hath been, and ſtill is greatly Incumbred with Debts; that the Sums that ſhall be Levied as aforeſaid, after the Payment of the ſaid Sums of Fifty thouſand Pounds, Twenty Five Thouſand Pounds, and Twenty One Thouſand, Twenty Seven Pounds, Three Shillings, Six-pence Half-penny, be applied and paid as followeth, viz. Three Thouſand Pounds thereof to Audley Mervin, Eſquire, eldeſt Son of Henry Mervin, Eſquire, Son and Heir of the ſaid Sir Audley Mervin, and the other Three Thouſand Pounds to be equally divided between Hugh Mervin and George Mervin, Eſquires, younger Sons of the ſaid Sir Audley Mervin. And alſo, that after the Payment of the ſaid Sum of Six Thouſand Pounds, that the further Sum of Six Hundred Pounds, Sterling, ſhall, and may be Levied, Collected and Paid, over, out of the ſaid Aid, or additional Cuſtom, or Duties unto Richard Warburton of Garryhinch in the Queen's-County, Eſquire, being a Sum due to the ſaid Richard Warburton, for Services by the ſaid Richard Warburton performed during the ſaid Parliament, which began in this Kingdom in the Year of Our Lord God, One thouſand ſix hundred ſixty and one.

CHAP. XXX.

An ACT to hinder the Reverſal of ſeveral Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the *French* King in *Europe*.

FORASMUCH as by the Laws of this Kingdom, the Kings and Queens of England are by undoubted Right, Kings and Queens of this Realm, and ought to enjoy the Title, Majeſty, Power, and Authority of Kings and Queens of the ſame: Yet nevertheleſs, Richard late Earl of Tyrconnel, formerly Lord Deputy, and Chief Governor of this Kingdom, by vertue of a Commiſſion from the late King James, Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick late Lord Viſcount

Viſcount Galway, Pierce late Lord Viſcount Galmoy, Sir Valentine Browne, Garrott Dillon, Eſquire, late Prime Serjeant to the late King James, Sir Richard Nagle, late Attorney-General to the ſaid King James, and diverſe other Wicked and Ill-diſpoſed Papiſts, contrary to their Allegiance and Duty, did utterly Refuſe to Submit to Your Majeſty's Government. Ye the ſaid late Earl of Tyrconnel, after Your Majeſty's happy Acceſſion to the Imperial Crown of England, continuing to act as Lord Deputy, and Chief Governor of this Kingdom, in Derogation to Your Majeſty's Royal Authority, and in oppoſition thereunto; and with the Advice and Aſſiſtance of them the ſaid Donogh late Earl of Clancarty, William late Earl of Limerick, Ulick late Lord Viſcount Galway, Pierce late Lord Viſcount Galmoy, Sir Valentine Browne, Garrott Dillon, Eſquire, Sir Richard Nagle, and others as aforeſaid, Raiſing Forces to Oppoſe Your Majeſty and Your Government; and they with many other Iriſh Papiſts, who were in Arms, utterly refuſed to accept of the Grace, and Favour extended to them, by Your Majeſty's Royal Proclamation, bearing Date the Two and Twentieth Day of February, in the Firſt Year of the Reign of Your Majeſty, and Your Royal Conſort, the late Queen of Bleſſed Memory; but on the contrary Countenanced and Encouraged the late King James, to Summons ſeveral of the Inhabitants of this Kingdom, to Meet and Aſſemble in this Your Majeſty's City of Dublin, as a Parliament; and they with others, made ſeveral pretended Acts, and Ordinances, which they Termed Acts of Parliament, under the Authority of the late King James, in the Month of May, One thouſand ſix hundred eighty nine; and thereby Attainted many Thouſands of His Majeſty's good Proteſtant Subjects of this Kingdom of High-Treaſon, for Adhering to Your Majeſty, and Her late Majeſty; and ſeveral other pretended Acts and Ordinances, in Derogation to Your Majeſty's undoubted Right; and Encouraged many of Your Majeſty's Subjects, to Riſe in Arms, and Levy War againſt Your Majeſty; brought into this Kingdom, great numbers of the French King's Subjects, Your Majeſty's open Enemies, to their Aſſiſtance; Murthered and Deſtroyed ſeveral Thouſands of Your Majeſty's good Proteſtant Subjects of this Kingdom, for no other reaſon but for their being of the Proteſtant Religion, and Adhering to Your Majeſty, and Her late Majeſty, Your Royal Conſort, and Encouraged an unnatural Rebellion throughout this Kingdom, which by the Goodneſs of Almighty God by the great Expence of the Treaſure of England, and the Blood of England, and this Kingdom, and the Extreme Hazard of Your Majeſty's Sacred Perſon, is reduced to Your

Majeſty's Obedience, and this Your Kingdom ſettled in perfect Peace, notwithſtanding which many of Your Majeſty's Iriſh Papiſt Subjects, have engaged with Your Majeſty's Enemies, and ſeveral Thouſands of them are actually in the French King's Service, againſt Your Majeſty. May it pleaſe Your Majeſty that it may be Enacted.

And be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament Aſſembled, and by Authority of the ſame, That all and every the Convictions, Outlawries, and Attainders in this Kingdom, of any Perſon or Perſons whatſoever, for High-Treaſon or Rebellion by him or them Committed, or Done, not Reverſed or Pardoned, before the Twenty Seventh Day of July, One thouſand ſix hundred ninety ſeven, other than the Convictions, Outlawries, and Attainders of Perſons already adjudged, to be comprehended within the Articles of Limerick or Galway, or either of them who have not yet Reverſed their Outlawries, and Attainders, and other than the Outlawries, and Attainders of ſuch, who within the ſpace of Two Years, to be accounted from the Firſt Day of September, One thouſand ſix hundred ninety ſeven, ſhall be Adjudged to be Comprehended within the ſaid Articles, or any of them, ſhall be and remain ſufficient and effectual in Law for ever, to all intents, conſtructions and purpoſes, any Error, Inſufficiency, or other Defect in Form, or Matter in them, or any of them, to the contrary notwithſtanding; and that no Judgment upon any Writ of Error, or Plea, nor any Pardon from His Majeſty, His Heirs or Succeſſors, ſhall any wiſe operate to the prejudice, or to the invalidating of ſuch Conviction, Outlawry, and Attainders, except ſuch as are herein before excepted, any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That all and every Papiſt and Papiſts, or reputed Papiſt or Papiſts, that have been Guilty of the ſaid Rebellion in this Kingdom againſt His Majeſty, and Her late Majeſty, the Queen, and who by any Inquiſition already taken, by the Oaths of Twelve good and lawful Men, and returned, or that ſhall be taken by the Oaths of Twelve, good and lawful Men, and returned within the ſpace of Two Years, from the Firſt Day of September, One thouſand ſix hundred ninety ſeven, hath, have, or ſhall be found to have Died, or been Slain in their ſaid Actual Rebellion, before the Third Day of October, One thouſand ſix hundred ninety one, ſhall by Authority of this Act, be Convicted, and Attainted of High-Treaſon, and ſhall incur

incur the Penalties and Forfeitures that Traytors Attainted by the Ordinary Courſe of Proceedings, in Caſes of High-Treaſon, by the Laws of this Realm, now in Being, ought to ſuffer and undergo.

And be it further Declared and Enacted, That wheresoever any ſuch Papiſt or Papiſts, heretofore have been found to have been Slain, or to have Died in the ſaid Rebellion, againſt His Majeſty, and Her late Majeſty, the Queen, before the Third Day of October, One thouſand ſix hundred and ninety one, by Inquiſition taken upon the Oaths of Twelve, or more good and lawful Men of the County, where ſuch Papiſt, or Papiſts have committed ſuch Rebellion and Treaſon; that the ſaid Papiſt or Papiſts, or reputed Papiſt or Papiſts, ſo found to have been Slain, or to have Died in Rebellion againſt His Majeſty, and Her late Majeſty the Queen, ſhall at all times hereafter be Adjudged and Deemed, and is, and are hereby Declared to be Traytors Attainted, to all intents and purpoſes; and to have incurred all ſuch Penalties and Forfeitures of Eſtate Real and Perſonal, from the time he or they ſhall by ſuch Inquiſition be found to have Committed, or been Guilty of the ſaid Rebellion and Treaſon, as if he or they had been Attainted of any ſuch Rebellion and Treaſon, by Judgment upon Verdict, or Outlawry.

Provided always, That nothing in this Act contained, as for, and concerning the Forfeiture of ſuch Papiſt or Papiſts, or reputed Papiſt or Papiſts, That Died, or were Slain in Actual Rebellion, before the Third Day of October, One thouſand ſix hundred and ninety one, ſhall Extend, or be conſtrued to Extend to the Prejudice of any Perſon or Perſons being of the Proteſtant Religion, or profeſſing to be of the Proteſtant Religion, the Tenth Day of April, in the Year of Our Lord God, One thouſand ſix hundred and eighty nine, who hath continued ſo from that time hitherto, or till the time of his or their Death, claiming or deriving any Titles of Honour, by immediate Deſcent from ſuch Papiſt or Papiſts, as aforeſaid, or who have, or had any Eſtates, Real or Perſonal, by Deſcent, or Purchaſe, Bona fide, made, or who have any Real Incumbrances on ſuch Papiſt or Papiſts Eſtates, for Valuable Conſiderations, from or by ſuch Papiſt, or Papiſts, as aforeſaid Dead, or Slain in Rebellion; or from his, or their Heirs, Executors, Adminiſtrators or Aſſigns, at any time ſince the Treaſon committed and done, and before the Sixth Day of June, in the Year of Our Lord God, One thouſand ſix hundred and ninety ſeven; but that ſuch Perſon or Perſons, being of the Proteſtant Religion, in manner as aforeſaid, ſhall, and may have, hold, and enjoy all and every his

and their Title and Titles of Honour come to them, respectively, by the Death of such Papist or Papists, as aforesaid, dead, or killed in the said Rebellion; as also, all and every the Rights, Titles, and Interests by Descent, Purchase, or Real Incumbrance, from, or by such Papist or Papists, or reputed Papist or Papists so dead, or killed in Rebellion, or from his and their Heirs, Executors, Administrators, and Assigns, or any of them, at any time since the said Rebellion committed and done, and before the Sixth Day of June, aforesaid, any thing in this Act to the contrary notwithstanding.

And be it further Declared and Enacted by the Authority aforesaid, That it shall, and may be lawful, to, and for the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of this Kingdom, for the time being, at any time within Two Years, to be accounted from the First Day of September,, One thousand, Six hundred, and Ninety-seven, to Issue one or more Commission or Commissions, into all, or any of the Counties of this Kingdom, to be directed to the Escheator, or Escheators of such County or Counties, or to his or their Deputy, or Deputies, Lawfully Authorized; or to such other Good and Lawful Men, as it shall seem meet to appoint Commissioners; whereof One of the Judges of the King's-Bench, or Common-Pleas, or one of the Barons of His Majesty's Court of Exchequer, shall be always one; to enquire by the Oaths of Twelve, or more Good and Lawful Men of the said County or Counties, what Person or Persons of the Popish Religion have died, or were slain in the said Rebellion against His Majesty, and Her late Majesty the Queen, before the said Third Day of October, One thousand, Six hundred, and Ninety-one; and what Estate or Estates, Real or Personal, such Person or Persons of the Popish Religion, as aforesaid, so dying, or so killed, was, or were seized, or possessed of, in Use, Trust, Possession, Reversion, or Remainder, in such County where such Enquiry shall be made, and such Commission executed at the Time of the Committal of such Rebellion, or Treason, or at any time after the same. In every of which Commissions, there shall be a Clause inserted, requiring the said Commissioners to give Publick Notice in the Chief Town of each County, of the Time and Place appointed for the Execution of such Commission, Twenty Days at least, before the same shall be executed.

Provided always, That it shall, and may be Lawful, to, and for any Person or Persons, claiming as Heir General, or as Heir, or Issue-Tail, or as Executor, Administrator, or Assignee, to whom respectively the Title, or Titles of Honour, or the Estate Real or Personal, of the

Person

Perſon ſo found to have died, or to have been killed in Rebellion, could have come, but for the Inquiſition aforeſaid, found, or to be found: And to, and for any other Perſon or Perſons, Bodies-politick, or Corporate, who ſhall be aggrieved by ſuch Inquiſition, to put in his or their Traverſe, or Traverſes, denying that ſuch Perſon or Perſons died, or was, or were ſlain in Rebellion; or to put in any other, his, or their Traverſe or Traverſes, to any Matter or Thing contained in ſuch Inquiſition, within One Year next after the ſaid Firſt Day of December, One thouſand, Six hundred, and Ninety-ſeven, or within One Year next after the returning and filing of Record of ſuch Inquiſition, as aforeſaid, at the Election of the Perſon aggrieved; and if the Traverſe, ſo to be entred and taken, ſhall be tried, and the Jury that ſhall try the ſame, ſhall find contrary to the ſaid Inquiſition, then, and in ſuch Caſe, ſuch Inquiſition ſhall become void, and of none Effect in Law; and the ſaid Traverſer and Traverſers ſhall enjoy ſuch his, or their Title or Titles of Honour, and be reſtored and put into Poſſeſſion of ſuch Eſtate, Real or Perſonal, as would to him or them have deſcended, remained, or come by Courſe of Law, in the ſame Manner, as if no ſuch Inquiſition had been found, any thing herein contained to the contrary notwithſtanding.

And if Verdict ſhall be given againſt the Traverſer, upon any Plea of Traverſe, as aforeſaid; or if Judgment ſhall paſs againſt ſuch Traverſer, for Inſufficiency of ſuch his Traverſe; or if he ſhall fail to proceed to try the ſaid Iſſue of Traverſe, within One Year next after ſuch Traverſe ſhall be filed, the ſaid Inquiſition and Finding, ſhall at all times hereafter ſtand, be, and remain firm and valid, and be no way impeached, annulled, or ſet aſide, any Law, Cuſtom, or Statute to the contrary notwithſtanding.

Saving and excepting hereout, Women Covert de Baron, Perſons within the Age of Twenty-one Years, Perſons in Priſons, Perſons out of this Realm, elſewhere than in the Dominions of the French King in Europe; and alſo all Perſons of Non ſane Memory, all and ſingular which ſaid Perſons, by the Authority aforeſaid, ſhall have their, and every of their Right and Title reſerved and ſaved to them, and their Heirs, Executors, and Adminiſtrators, reſpectively, unto the time that they be, and come of their full Age of One and Twenty Years, out of Priſon within this Land, Uncovert, and of whole Mind.

And the ſame Traverſer, or Traverſers may take, and purſue within One Year after their coming of full Age, of Twenty-one Years, out of Priſon within this Land, Uncovert, of whole Mind.

And alſo be it Enacted by the Authority aforeſaid, That all ſuch Perſons as be Covert de Baron, and every Perſon within the Age of Twenty-one Years, in Priſon, or out of this Land, or of Non ſane Memory, at the time of taking of the ſaid Inquiſition, and by this Act, as aforeſaid excepted, that they, or their Heirs, Executors, Adminiſtrators, or Aſſigns, according to their reſpective Rights and Intereſt, may take his or their Traverſe, or Traverſes, within One Year next, after they reſpectively come and be of the Age of Twenty-one Years, out of Priſon, Uncovert, within this Land, and of Sane Mind.

And if they do not take their Traverſe, or Traverſes, within the ſaid Year, and according to the Limitation, Method, and Direction of this Act, as aforeſaid, that then they, and every of them, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to their reſpective Rights and Intereſts, are, and ſhall be concluded by the ſaid Inquiſition and Finding, any thing in this Act to the contrary notwithſtanding. And for the Preſervation of the Peace and Quiet of this Kingdom;

Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, being His Majeſty's Subject, or Subjects, who have gone out of this Kingdom at any time ſince the Tenth Day of April, One thouſand, Six hundred, and Eighty-nine, during the late War with France, into France, or any of the French King's Dominions in Europe, other than ſuch as have gone thither by His Majeſty's particular Licence or Command, ſhall, from and after the Twenty-third Day of October, One thouſand, Six hundred, and Ninety-ſeven, voluntarily come, or return from France, or any of the French King's Dominions in Europe, into this Kingdom, without His Majeſty's, His Heirs, or Succeſſors, Licence, or Leave, under the Great Seal of this Kingdom; and that alſo, ſubject to the Reſtrictions and Limitations herein after mentioned and expreſſed, for that Purpoſe had and obtained, and be thereof convicted by due Courſe of Law: Every Perſon ſo offending, ſhall be taken, deemed, and adjudged to be guilty of High-Treaſon, and ſhall ſuffer ſuch Penalties, as in Caſes of High-Treaſon, and ſhall, and may be indicted and tried for the ſame, in ſuch County of this Realm, as His Majeſty, His Heirs and Succeſſors, by His, or Their Commiſſion, under the Great Seal of this Kingdom ſhall appoint.

And be it further Enacted and Declared, That no Licence, as aforeſaid, ſhall be good and valid, to any ſuch Perſon or Perſons, wherein the true Name and Surname, and Place of Abode, of ſuch Perſon or Perſons, where he or they Reſided, or Dwelt in Ireland, when he or they

they Dwelt, or Resided in this Kingdom, is not mentioned and expressed.

And that no Licence, as aforesaid, shall be valid, or effectual to any more Persons therein contained, than the Three first Named, in Case there shall be more than Three named in one Licence.

And that before any such Licence shall pass the Great-Seal of this Kingdom, the Lord-Chancellor, Lord-Keeper, or Lords-Commissioners of the Great-Seal of this Kingdom, for the time being, are respectively hereby Directed, Required, and Impowered, to take sufficient Security by Recognizance, for any Sum, not under One hundred Pounds, to be forthwith Filed of Record in the High-Court of Chancery in this Kingdom. That each Party so to be Licenced, as aforesaid, shall annually Pay during his Residence and Abode in this Kingdom, to the Bishop of the Diocess where such Person shall Reside, whilst in this Kingdom, the Sum of Forty Shillings for the Benefit, and Advantage of such School, or Schools, as the said Bishop shall think most in want of Support and Maintenance, in the said Bishop's Diocess: Upon Failure and Payment whereof, it shall and may be Lawful, to and for the Bishop of the said Diocess, to Prosecute and Recover the said Sum, in the said Recognizance mentioned, and the same to Lay out, and Dispose of, with the Approbation of the Lord-Chancellor, Lord-Keeper, or Lords-Commissioners of the Great-Seal of this Kingdom for the time being, for the Benefit and Advantage of such School or Schools in the said Diocess.

And be it further Enacted by the Authority aforesaid, That all and every of His Majesty's Subjects, who at any time since the Third Day of October, One thousand six hundred and ninety one, hath, or have returned out of France, or out of any of the French King's Dominions in Europe, into this Kingdom, shall on, or before the First Day of May, One thousand six hundred ninety eight, Surrender him, or themselves, to some One of the Judges of His Majesty's Court of King's-Bench, or Common-Pleas, or to some One of the Barons of His Majesty's Court of Exchequer, and being of the Age of Sixteen Years, take the Oath of Allegiance, mentioned in an Act made in England, in the Third Year of His present Majesty, and the late Queen Mary, Intituled, An Act for the abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths. And enter into Recognizance with Sufficient Sureties, for his or their Good Behaviour for One Year thence to come; which said several Recognizances, shall be returned into His Majesty's Court of King's-Bench, within Three Months next after they shall be taken, or shall enter into such Security, as the said Judges, or

Barons reſpectively ſhall think fit to require, that he, ſhe, or they, unleſs Licenced in manner and form aforeſaid, by His Majeſty, to continue here, ſhall within Twenty Days depart this Kingdom, and not return into the ſame, without ſuch Licences aforeſaid.

And in Caſe, any of His Majeſty's ſaid Subjects, ſhall Neglect or Refuſe to Surrender him, her or themſelves, and to take the ſaid Oaths, and to give ſuch Security for their Good Behaviour, or that ſhall not Depart this Kingdom accordingly; every Perſon ſo Neglecting or Refuſing, ſhall Incur the Danger and Penalty of Præmunire; and every Perſon ſo Returning without ſuch Licence, as aforeſaid, ſhall Incur the Danger and Penalty of High-Treaſon, and ſhall Suffer ſuch Pains and Penalties as in Caſe of High-Treaſon, and ſhall and may be Indicted and Tried for the ſame, in ſuch County of this Kingdom, as His Majeſty, by His Commiſſion under the Great Seal of this Kingdom, ſhall Appoint.

And be it further Declared and Enacted by the Authority aforeſaid, That all and every the Eſtates, Rights, Titles and Intereſts, either in Law or Equity, in or to any Lands, Tenements or Hereditaments, of any Perſon or Perſons being of the Proteſtant Religion, or Profeſſing to be of the Proteſtant Religion, on or before the Twenty-Seventh Day of July, One thouſand ſix hundred ninety ſeven, and hath Continued ſo from that Time hitherto, or till the Time of his or their Death, ſhall be and remain of ſuch Force and Effect in Law or Equity, Reſpectively, and no other than if this Act had not been made; Any thing in this Act contained to the contrary notwithſtanding.

Provided always, And be it further Enacted and Declared, at the Humble and Earneſt Requeſt of James Earl of Tyrone, That nothing in this Act contained, ſhall Extend, or be Conſtrued to Extend, to Confirm the Outlawry or Outlawries of the ſaid James Earl of Tyrone, by the Name of James Power, of Curraghmore, in the County of Waterford, Eſquire; but that the ſame ſhall be Subject and Liable to ſuch Order and Directions for Reverſal thereof, as His Majeſty ſhall pleaſe to Declare, touching and concerning the ſame, as if this Act had never been made; Any Clauſe, Matter or Thing therein contained to the contrary notwithſtanding.

And whereas, Thomas Lord Baron of Kerry, and John Lord Baron of Kingſton, have both of them been in France ſince the ſaid Third Day of October, One thouſand ſix hundred ninety one, and have alſo, ſince that Time, Returned into this Kingdom, and Submitted themſelves to His Majeſty's Obedience and Government,

Be

Be it Enacted by the Authority aforesaid, at the Humble and Earnest Request of the said Thomas Lord Kerry, and the said John Lord Kingston, That nothing in this Act Contained, shall Extend, or be Construed to Extend, to their or any of their Prejudice or Prejudices, but that they, and each of them, are hereby Declared to be Excepted out of this Act; Any thing therein contained to the contrary notwithstanding.

Provided always, That nothing herein contained shall Extend, or be Construed, Taken or Expounded to Extend, to Attaint Matthew Plunkett, Esq; Commonly Called Lord Lowth, who Died during the late Rebellion in this Kingdom, before the Third Day of October, One thousand six hundred ninety one; Any thing in this Act contained to the contrary notwithstanding.

Provided always, And be it further Declared and Enacted, That nothing in this Act contained, shall Extend, or be Construed to Extend, to Confirm the Outlawry or Attainder of Edmond Keating, of Narramore, in the County of Kildare, Esquire, nor to Abridge or Restrain His Majesty's Power of Pardoning him, the said Edmond Keating, both as to Life and Estate; Any thing contained in this Act to the contrary notwithstanding.

Provided always, And be it Enacted by the Authority aforesaid, That nothing in this Act contained, shall Extend, or be Construed to Extend, to Confirm the Outlawry or Outlawries, Attainder or Attainders, of Sir John Bellew, Knight, late Lord Bellew Baron Duleeke, Father of Richard Bellew, Esquire; Charles Lord Baltimore, and Robert Fielding, Esquire, or either of them, for any Crime or Crimes Committed or Done by them, or either of them, since the Fifth Day of November, One thousand six hundred eighty eight; but that the same shall be Subject and Liable to such Orders and Directions, for Reversal thereof, as His Majesty shall please to Declare, touching and concerning the same, as if this Act had not been made; Any Clause, Matter, or Thing, therein contained to the contrary notwithstanding.

Provided, that nothing in this Act contained, shall Extend, or be Construed to Extend, to Attaint or Convict of High-Treason, Nicholas late Earl of Carlingford, or his Brother John Taafe, Esquire; or to Vest in, or Forfeit to Your Majesty, Your Heirs or Successors, any Estate, Right, Title or Interest, in Law or Equity, whatsoever, which they the said Nicholas late Earl of Carlingford, or the said John Taafe, had, or ought to have had; Any thing in this Act contained to the contrary notwithstanding.

Provided always, That nothing in this Act contained, shall Extend, or be Construed to Extend, to Confirm the Outlawry or Outlawries, Attainder or Attainders, of

Nicholas French of Abbart, in the County of Galway, Esq; for any Crime Committed or Done by him, since the Fifth Day of November, One thousand six hundred eighty eight, but that the same shall be Subject and Liable to such Orders and Directions, for Reversal thereof, as His Majesty shall please to Declare, touching and concerning the same, as if this Act had not been made; Any Clause, Matter, or Thing, therein contained to the contrary thereof notwithstanding.

Provided also, That nothing herein contained, shall Extend, or be Construed to Extend, to Confirm the several Outlawries and Attainders of Edward Lord Baron of Athenree, and Lieutenant-Colonel John Kelly, or either of them, for any Crime or Crimes Committed or Done by them, or either of them, since the Fifth Day of November, One thousand six hundred eighty eight; but that the same shall be Subject and Liable to such Order and Directions, for Reversal thereof, as His Majesty shall please to Declare, touching and concerning the same, as if this Act had not been made; Any Clause, Matter or Thing therein contained to the contrary thereof notwithstanding.

Provided always, That nothing herein contained, shall Extend or be Construed, Taken or Expounded to Extend, to Attaint Richard late Earl of Tyrone, Theobald late Lord Viscount Dillon, and Nicholas late Lord Viscount Nettervil, who Died during the late Rebellion in this Kingdom, before the Third Day of October, One thousand six hundred ninety one, or any of them; Any thing in this Act contained to the contrary notwithstanding.

Provided always, That nothing in this Act contained, shall Extend, or be Construed to Extend any wise, to Confirm the Attainders or Outlawry of Edward Geoghegan of Castletown, Kindaleene, in the County of Westmeath, Esq; or to Obstruct or Hinder His Majesty's Gracious Intentions for the Reversal of the same.

Provided always, That nothing in this Act contained, shall Extend to Abridge or Restrain His Majesty's Power of Pardoning any Person Attainted of High-Treason, by Outlawry, or otherwise, so as to Save the Lives only of such Person or Persons.

And whereas Patrick Sarsfield the Elder, late of Lucan, Esq; Deceased, stands Indicted and Outlawed for High-Treason, Committed against His present Majesty, and Her late Majesty Queen Mary.

Be it Enacted, That nothing in this Act contained, shall Extend, or be Construed to Extend in any wise, to Confirm the said Outlawry or Attainder of the said Patrick Sarsfield the Elder; but that the said Attainder or Outlawry may be Capable of being Reversed in the same Manner, as if this Act had never been made.

Provided

Provided always, That nothing in this Act contained, shall Extend, or be Construed to Extend, in any wise, to Confirm the Outlawry or Attainder, or Outlawries or Attainders of Henry Crofton of Longford, in the County of Sligoe; but that the said Outlawry or Attainder, or Outlawries or Attainders, may be Capable of being Reversed in the same manner, as if this Act had never been made.

Provided always, That nothing in this Act contained, shall Extend, or be Construed to Extend to Confirm the Outlawries or Attainders of Barnaby late Baron of Upper-Ossery; but that the same may be Capable of being Reversed in the same manner, as if this Act had never been made.

Provided always, That nothing in this Act contained, shall Extend, to Confirm the Outlawry or Outlawries, Attainder or Attainders, of Thomas Nugent of Streamestown, in the County of Westmeath, Gent. *alias* Thomas Nugent of London, Merchant, *alias* Thomas Nugent of Montserrat, in America, Merchant; but that the said Thomas Nugent, His Heirs, Executors and Administrators, shall and may have such and the like Remedy, Benefit and Advantage, to all Intents and Purposes, for Reversing such Outlawry or Outlawries, Attainder or Attainders, as if this Act had never been made; Any Clause, Article or Matter herein contained to the contrary in any wise notwithstanding.

CHAP. XXXI.

An ACT for making the Collectors Receipts for Quit-Rent, Crown-Rent, and other Rents due to the Crown, full and legal Discharges for the same; and for limiting their Fees thereon.

WHEREAS the several and respective Farmers of the Revenue of this Kingdom, since the Restauration of His late Majesty King Charles the Second; and the several Commissioners appointed since, for the management of the said Revenue, have thought fit for several weighty Considerations, to Collect and Levy the Quit-Rent, Crown-Rent, Composition, and all other Rents due to the Crown, by Collectors, by them appointed, in the several Districts of this Kingdom, which was principally intended for the ease of the Subject, by saving them the Trouble, Danger, and Expence, of sending their Money to Dublin, to be there Paid into the Treasury.

And whereas ſeveral Scruples have ariſen, amongſt His Majeſty's Good Subjects, which have made them doubt whether the Acquittances given by ſuch Collectors, were, or ought to be ſufficient Diſcharges, to the Perſons who have Paid the ſaid Rents, againſt His Majeſty in any Proſecution made in His Name, in the Court of Exchequer, or elſewhere; for Levying and Recovering thereof, in caſe the ſaid Collectors who have Received the ſame, have not duly Accounted for ſuch Receipts with His Majeſty, as in Duty they ought: For Remedy whereof,

Be it Enacted by the Kings Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That the ſeveral Acquittances already given by the Collectors, or Receivers, duly Authorized and Appointed to Collect and Receive the ſaid Quit-Rent, Crown-Rent, Compoſition-Rent, and other Rents: As alſo all Acquittances that hereafter ſhall be given by any ſuch Collector, or Receiver, during the time the ſaid Collectors were, are, or ſhall be ſo Employed, ſhall be Good and Valid in Law, to all Intents and Purpoſes againſt His Majeſty, His Heirs and Succeſſors. And that all ſuch Acquittances ſo given, or hereafter to be given, ſhall be as Good and Effectual, to all Intents and Purpoſes, as an Exchequer Acquittance duly Paſſed and Entered in the ſeveral Offices of the Exchequer.

And be it further Enacted, That all and every the Collector, and Collectors, of the aforeſaid Rents, ſhall upon Payment of the ſame, or any part thereof, give and perfect to the Perſon ſo Paying the ſame, a full and clear Receipt, or Acquittance, for what he ſhall receive in Parchment, under his Hand; wherein he ſhall mention the Sum ſo by him Received, and for what Gales Rent, and for what Land, and on what Account the ſame is Paid to him. And for the Encouragement of the ſaid Collectors to do their Duty therein, with all due Regard and Indulgence to the Country. And to prevent the Extortions and Oppreſſions which may be committed by their Bailiffs or Drivers, on the Tenants liable to Pay ſuch Quit-Rent, Crown-Rent, Compoſition-Rent, or other Rent.

Be it further Enacted by the Authority aforeſaid, That the ſaid Collectors, and every of them, may demand and receive the reſpective Fees hereafter mentioned, and no more, or other Fee: That is to ſay, For every Acquittance they ſhall give for any of the ſaid Rents, for any Sum above Five Shillings, and not exceeding Twenty Shillings, the Sum of Six Pence, and no more, and for every Sum above Twenty Shillings, and not

not exceeding Five Pounds, the Sum of One Shilling and no more, and for every Sum above Five Pounds, and not exceeding Fifteen Pounds, the Sum of One Shilling Six Pence, and no more, and for every Sum above Fifteen Pounds, the Sum or Fee of Two Shillings, and in no case to receive any more for any one Acquittance than Two Shillings.

And whereas several Persons stand Charged with, or are Obliged to Pay several Rents, for several Parcels of their Lands and Tenements, the same being Granted under several and distinct Rents, to themselves, or others, under whom they Claim, for which formerly several Acquittances used to be given, though Paid at the same time, and by the same Person, for which said several Acquittances, distinct Fees have been Paid, to the great Charge of the Subject: For remedy whereof,

Be it further Enacted by the Authority aforesaid, That where one Person stands Charged with the Payment of several and distinct Sums, in respect of several Parcels of their Lands and Tenements, or where the same is in Charge, in the name of other Persons, not in Possession of such Lands, the several Collectors of this Kingdom, within their respective Districts, shall on Receipt of the said Rents, or any Part thereof, give to the Person so in Possession, as aforesaid, and so Paying the same, One Acquittance for what he shall so Pay; which Acquittance shall distinctly mention, as well the Lands and Tenements, as the Rent so Paid, and for what Gale the same is so Paid, and by whom, for which one Acquittance the said Collectors shall receive no other or greater Fee than as aforesaid, And whereas the several Acquittances to be made and given pursuant to this Act, may be lost or mislaid, to the prejudice of the Person therein concerned: For prevention whereof,

Be it further Enacted by the Authority aforesaid, That all and every the Collector and Collectors of this Kingdom, shall every Year prepare a Book, wherein they shall Enter all the Receipts or Acquittances by them given, for all and every the aforesaid Rents, under their Hands, and in the presence of the Party Paying the same, which Receipt the said Parties, or any other on his behalf, may set their Names; for every which Entry, the said Collectors may demand and receive Two Pence over and above the Fees aforesaid; which Book, the said Collectors, and every of them respectively, shall Yearly before the Stating of their Accounts, return under their Hands, and on their Oaths, into the Office of the Auditor-General, where the same shall remain and be kept, not only as a Charge on such Collectors respectively, but also as a Discharge to the Subject for all Sums thereby appearing to be paid as aforesaid.

CHAP. XXXII.

An ACT for taking away the Benefit of Clergy in ſome Caſes.

FORASMUCH as divers Wicked, and Ill-diſpoſed Perſons, are Encouraged to Commit Robberies upon Mens Perſons, and in their Houſes, and other Offences, by the Privilege as the Law now is, of Demanding the Benefit of their Clergy.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, and by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons, that ſhall at any time, from, and after the Firſt Day of May, in the Year of our Lord, One thouſand ſix hundred ninety eight, Rob any other Perſon, or ſhall Feloniouſly take away any Goods or Chattles, being in any Dwelling-Houſe, the Owner, or any other Perſon being therein, and put in fear; or ſhall Rob any Dwelling-Houſe in the Day time, any Perſon being therein; or ſhall Comfort and Abett, Aſſiſt, Counſel, Hire, or Command, any Perſon or Perſons, to Commit any of the ſaid Offences; or to break any Dwelling-Houſe, Shop, or Ware-Houſe, thereunto belonging, or therewith uſed in the Day time, and Feloniouſly take away any Money, Goods or Chattles, of the value of Five Shillings, or upwards therein being, although no Perſon ſhall be within ſuch Dwelling-Houſe, Shop, or Ware-Houſe; or ſhall Counſel, Hire, or Command any Perſon to Commit any Burglary, being thereof Convicted, or Attainted, or being Indicted thereof, ſhall ſtand Mute, or will not directly Anſwer to the Indictment; or ſhall peremptorily Challenge above the Number of Twenty Perſons, returned to be of the Jury, ſhall not have the Benefit of his or their Clergy.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, be Indicted of any Offence, for which, by Vertue of any former Statute, he, or they are Excluded from having the Benefit of his, or their Clergy, if he, or they, had been thereof Convicted by Verdict, or Confeſſion; ſuch Perſon and Perſons, if he, or they ſtand Mute, or will not Anſwer directly to the Felony, or ſhall Challenge peremptorily above the Number of Twenty Perſons, returned to be of the Jury; or ſhall be Outlawed thereupon, ſhall in like manner

manner be Ousted of the Benefit of his, or their Clergy, as if he had been Convicted of such Offence, by Verdict, or Confession.

And be it further Enacted by the Authority aforesaid, That if any Person, or Persons hereafter be Indicted of Felony, for Stealing any Goods or Chattles, in any County within this Realm of Ireland, and thereof be Convicted, or Attainted; or upon his or their Arraignment shall stand Mute, or will not directly Answer to the Indictment; or shall Challenge peremptorily above the Number of Twenty Persons, returned to be of the Jury, he, or they shall be totally Excluded from having the Benefit of his, or their Clergy. If it appear upon Evidence or Examination, before the Justices, that the said Goods or Chattles, were taken by Robbery or Burglary, or in any other manner, in any other County; whereof, if such Person, or Persons, had been Convicted by a Jury of the said other County, he, or they, are Excluded by Vertue of this, or any other Act, from having the Benefit of his, or their Clergy.

And forasmuch as Thieves and Robbers are much Encouraged to Commit such Offences, because a great Number of Persons make it their Trade and Business to Deal in the Buying of stolen Goods,

Be it therefore Enacted by the Authority aforesaid, That if any Person or Persons shall Buy or Receive any Goods or Chattle, that shall be Feloniously Taken or Stolen from any other Person, knowing the same to be Stolen, he, or they, shall be Taken and Deemed an Accessary or Accessaries to the Felony after the Fact, and shall Incur the same Punishment as an Accessary or Accessaries to the Felony, after the Felony Committed.

And whereas it is a frequent Practice for Idle and Disorderly Persons to Hire Lodgings, with an Intent to have an Opportunity to Take away, Imbezzle or Purloin the Goods and Furniture being in such Lodgings,

Be it therefore Enacted and Declared by the Authority aforesaid, That if any Person or Persons shall Take away, with an Intent to Steal, Imbezzle or Purloin any Chattle, Bedding or Furniture, which, by Contract or Agreement, he or they are to Use, or shall be Lett to him or them to Use, in or with such Lodging; such Taking, Imbezzling or Purloining, shall be, to all Intents and Purposes, Taken, Reputed and Adjudged to be Larceny and Felony, and the Offender shall Suffer as in Case of Felony.

And whereas, by the Laws of this Realm, Women Convicted of Felony for Stealing of Goods and Chattle, of the Value of Ten Shillings, and upwards, and

for other Felonies, where a Man is to have the Benefit of his Clergy, are to Suffer Death,

Be it therefore Enacted and Declared by the Authority aforesaid, That where a Man, being Convicted of any Felony, for which he may Demand the Benefit of his Clergy; if a Woman be Convicted for the same, or like Offence, upon her Prayer to have the Benefit of this Statute, Judgment of Death shall not be Given against her upon such Conviction, or Execution Awarded upon any Outlawry for such Offence; but shall Suffer the same Punishment as a Man should Suffer, that has the Benefit of his Clergy allowed him in the like Case: That is to say, Shall be Burn'd in the Hand by the Goaler, in open Court; and further be Kept in Prison, for such Time as the Justices, in their Discretion, shall think Fit, so as the same do not Exceed One Year's Imprisonment.

And forasmuch as such Men who have once had their Clergy, and such Women who shall once have the Benefit of this Statute, may happen to be Indicted for an Offence Committed afterwards, in some other County,

Be it therefore Enacted, That the Clerk of the Crown, Clerk of the Peace, or Clerk of the Assizes, where such Man or Woman shall be Convicted, shall, at the Request of the Prosecutor, or any other in His Majesty's Behalf, Certify a Transcript Briefly, and in few Words, Containing the Effect and Tenor of every Indictment, and Conviction of such Man or Woman, of his having the Benefit of the Clergy, or her having the Benefit of this Statute, and Addition of every such Person or Persons, and the Certainty of the Felony and Conviction, to the Judges and Justices in such other County, where such Man or Woman shall be Indicted; which Certificate, being produced in Court, shall be a sufficient Proof that such Man hath before had the Benefit of his Clergy, and such Woman hath had the Benefit of this Statute.

And forasmuch as since the late Rebellion in this Kingdom, the Stealing of Cows, Sheep, and other Cattle, hath been more frequent than heretofore, so as it is become Necessary, in Order to Prevent the Committing Offences of that Kind, That the Benefit of the Clergy should, for some Time, be Taken away from such Offenders,

Be it Enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said First Day of May, in the Year of our Lord One thousand six hundred ninety eight, Feloniously Steal or Take away any Cow or Cows, Sheep, or other Cattle, and shall be thereof Convict by Verdict or Confession, or shall stand Mute,

Mute, and will not directly anſwer to the Felony, or ſhall challenge peremptorily above the Number of Twenty Perſons, or ſhall be Outlawed thereupon, ſuch Perſon or Perſons, if ſuch Offence ſhall exceed the Crime of Petty Larceny, or the Cattle ſtolen, ſhall be of greater Value than Twelve Pence Sterling, ſhall not be allowed the Benefit of his or their Clergy, but be wholly duſted from the ſame.

Provided always, That this Act ſhall continue, and be in force, as to the ſtealing of ſuch Cow, or Cows, Sheep, or Cattle, for Three Years next enſuing, and no longer.

CHAP. XXXIII.

An ACT for granting a Supply to His Majeſty, by raiſing Money by Way of a Poll.

CHAP. XXXIV.

An ACT to ſupply the Defects, and for the better Execution of an Act paſſed this preſent Seſſion of Parliament, Entituled, *An Act for the better ſuppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other heinous Crimes.*

WHEREAS an Act made in this preſent Seſſion of Parliament, Entituled, An Act for the better ſuppreſſing Tories and Rapparees; and for preventing Robberies, Burglaries, and other heinous Crimes: Hath not had its due Effect, by Reaſon there is not in the ſaid Act ſufficient Proviſion made for Prevention of Murthers and Maims, that ſhall, or may be committed by ſuch Robber, Tory, or Rapparee. As alſo, by Reaſon of other Defects in the ſaid Act, and ſome Doubts ariſen on the ſame, and Difficulties in Proſecution thereof.

For Remedy therefore of the ſaid Defects, explaining the ſaid Doubts, and rendering the Execution of the ſaid Act more eaſy,

Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame; That where any Perſon or Perſons, ſhall at any time af-

ter the Sixth of November, One thouſand, Six hundred, Ninety-ſeven, be Murthered, Maim'd, or Diſmembred by any Robber, Tory, or Rapparee, and the Offender, or Offenders, or the major Part of them ſhall not be killed, or apprehended, and brought before ſome Juſtice of the Peace, or other Magiſtrate, within Six Calendary Months, next after the committal of ſuch Offence, in order to his or their being proſecuted for the ſame according to Law. The reſpective Grand Juries, of the ſeveral Counties in this Kingdom, where ſuch Fact ſhall be committed; ſhall, and are hereby required, at any Aſſizes to be held for ſuch County, within One Year after ſuch Fact committed, to preſent, and charge upon the Popiſh, or Proteſtant Inhabitants of ſuch County reſpectively, and proportionably, according as the Number of ſuch Robbers, Tories, or Rapparees, ſhall be Papiſts, or reputed Papiſts or Proteſtants, as is herein after mentioned, the Sums following: (That is to ſay) In Caſe of Murther, ſuch Sum or Sums of Money, not exceeding Twenty Pounds; and in Caſe of Maim, or Diſmembring any Perſon, ſuch Sum or Sums of Money, not exceeding Ten Pounds, as ſuch Grand Juries on Conſideration had, of the Quality of the Perſon Murthered, Maimed, and Diſmembred, and Circumſtances of his Family ſhall think fit; ſuch Sum, in Caſe of Murther, to be paid to, and for the Uſe of the Widow, and Children of the Party Murthered; or if he ſhall not be Married at the time of his Death, then to the Uſe of his Children, or other next Relation: And in Caſe of Maim, or Diſmembring of any Perſon, then ſuch Sum to be paid to the Uſe of the Perſon or Perſons, ſo Maimed, or Diſmembered; or if he ſhall die before the Recovery thereof, then to the Uſe of his Widow, Children, or other Relations reſpectively, as is aforeſaid, in Caſe of Murther: The ſaid Sum or Sums, not be Aſſets in the Hands of ſuch Widow, Children, or Relations, or liable to anſwer, or ſatisfy any Debt, or Debts, of the Party deceaſed; which Sum ſo to be preſented, ſhall be paid by ſuch, and born by the Perſons in Manner, and according to the Proportions following: (That is to ſay) Where ſuch Robbers, Tories, or Rapparees are, or ſhall be Papiſts, or reputed of the Popiſh Religion, by the Papiſt Inhabitants of ſuch County; and where ſuch Robbers, Tories, or Rapparees are, or ſhall be Proteſtants, or reputed to be of the Proteſtant Religion, by the Proteſtant Inhabitants of ſuch County, and where the ſaid Facts ſhall be committed by Papiſts and Proteſtants, then by the Popiſh and Proteſtant Inhabitants of ſuch County, in ſuch Proportion, and according to the Number of ſuch Papiſts and Proteſtants, as ſhall commit the ſame. For the levying of which Sum, ſuch Proceſs,

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in the Nature of an Execution, ſhall Iſſue on ſuch Preſentment againſt any one, or more of the Perſons chargeable therewith, and ſuch Contribution had, Taxed, and Levied for his Relief, againſt all the other Perſons chargeable therewith, as is herein after appointed in Caſe of Satisfaction, recovered for Loſſes, or Injuries ſuffered by ſuch Robbers, Tories, and Rapparees.

And whereas the Method appointed by the ſaid former Act, for the Perſon or Perſons robbed, or damnified, by ſuch Robbers, Tories, or Rapparees, to recover Satisfaction for ſuch Damage, is tedious, difficult, and chargeable.

Be it Enacted by the Authority aforeſaid, That in all Caſes, where any Perſon or Perſons is by the former Act Entitled to recover Amends, or Satisfaction for any Loſs or Damage incurred, or ſuffered by any Robber, Tory, or Rapparee, ſuch Perſon ſhall, or may purſue his Remedy for Recovery of ſuch Satisfaction, or Amends, at the next Aſſizes, to be held for the ſaid County, where ſuch Offence was committed, before the Judge, or Judges of Aſſize, and Grand-Jury of the ſaid County, to be Impannelled, and Sworn at the ſaid Aſſizes, in the Method following: (That is to ſay) The Perſon, or Perſons ſo robbed, ſhall, at the ſaid Aſſizes, exhibit and deliver to the ſaid Judge or Judges of Aſſizes, his, or their Petition, therein praying ſuch Satisfaction, and ſhall ſet forth in ſuch Petition the Time and Place, when, and where ſuch Robbery was committed, or other Injury done to him or them, the ſeveral particular Goods loſt, or other particular Damages ſuffered by him or them, and the particular Value thereof, and by what Number of Perſons ſuch Robbery was committed, or Injury done, and of what Religion ſuch Offender or Offenders, or any of them were; with the Names and Deſcriptions of ſuch of the ſaid Offenders as he doth know, and ſuch particular Deſcriptions of ſuch others of them as he can give; and the ſaid Matter ſhall thereupon be examined by ſuch Judge, or Judges of Aſſizes, in open Court, in the Preſence of ſuch Grand-Jury, on the Oath of the Party robbed, or injured, and ſuch other Evidence as can be produced, touching the ſaid Facts, according to the Nature thereof: And the ſaid Grand-Jury ſhall thereupon, and are hereby required, on Conſideration of the ſaid Matter, amongſt themſelves, to make ſuch Preſentment touching the ſame, and of ſuch Sum or Sums of Money, as the Perſon or Perſons ſo robbed, or injured, by ſuch Offenders, ought to have, or receive for ſuch Loſs, Injury, or Damage, and by what Perſons, whether Papiſts or Proteſtants, and in what Proportions for each of them, the ſame ought to be paid; for which Sum ſo preſented and ſet, Proceſs ſhall Iſſue, in the Nature of

an Execution againſt any Inhabitant, or Inhabitants of the ſaid County, chargeable therewith, and all and every the Inhabitants of the ſaid County, who ſhall, by ſuch Preſentment, be made chargeable with, or liable to all, or any Part of the ſaid Damages, ſhall be rateably and proportionably Taxed for, and towards an equal Contribution for Relief of ſuch Inhabitant, or Inhabitants, againſt whom ſuch Proceſs, in the Nature of an Execution, is had; which Tax ſhall be made, levied, and raiſed, by ſuch Ways and Means, and in ſuch Manner and Form, as is preſcribed and mentioned in a former Statute, Intituled, An Act for the following Hue and Cry, made in the Tenth and Eleventh Year of the Reign of King Charles the First, in this Kingdom.

Provided always, and it is hereby Enacted, That if any Perſon or Perſons, ſhall find him, or themſelves aggrieved, by any Preſentment to be made in purſuance of this, or the former Act, ſuch Perſon or Perſons, in caſe the Sum Preſented to be raiſed, do exceed the Sum of Five Pounds, ſhall, or may at the ſaid Aſſizes Traverſe the ſame, which Traverſe ſhall be Tryed at the ſame, or the next enſuing Aſſizes, as the Judge or Judges, who ſhall allow the ſame, ſhall think fit: And if on ſuch Traverſe, the Iſſue ſhall be found for the Traverſer, ſuch Preſentment ſhall be Diſcharged; and if the Iſſue ſhall thereupon be found againſt the Traverſer, he or they ſo Traverſing, ſhall Pay to the Perſon or Perſons, on whoſe behalf the Preſentment was made, the Sum of Twenty Shillings for the Coſts of ſuch Traverſe, and the ſaid Preſentment, ſhall thereupon be final and concluſive to all Perſons.

Provided further, and it is hereby Enacted, That where the Perſon or Perſons ſo Robbed, or Injured, doth intend to proceed to recover Satisfaction for the ſame, at any Aſſizes, againſt the Popiſh or Proteſtant Inhabitants of any Barony, ſuch Perſon or Perſons, ſhall leave notice in Writing with the High-Conſtable of ſuch Barony, of ſuch his intentions, and againſt what Inhabitants whether Papiſts or Proteſtants, by the ſpace of Eight Days, at leaſt, before ſuch Aſſizes; to the end that ſuch High-Conſtable may give publick Notice thereof to the Inhabitants of the ſaid Barony, deſigned to be charged therewith, that they may be provided, and have an Opportunity to bring Evidence for themſelves, and oppoſe the making ſuch Preſentment, or otherwiſe may traverſe ſuch Preſentment, after the ſame is made, if they ſhall think fit.

And it is hereby further Provided, That no ſuch Preſentment to be hereafter made, ſhall at any time be removed by Certiorari, or the Proſecution thereupon otherwiſe delayed, then by ſuch Traverſe, as aforeſaid; and that

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for such time only, as shall be necessary for the Tryal of such Traverse, as aforesaid; nor shall any such Presentment be at any time quashed for any Informality, Imperfection, or Defect in form whatsoever.

Provided further, and it is hereby Enacted, That when, and as often as any of the Goods, for which the Party so Robbed, hath received Satisfaction by such Presentment, as aforesaid, shall be discovered, so as the same, or Satisfaction for them may be recovered, the Person or Persons upon whom the Sum so Presented, as aforesaid, was Levied, shall have the same, and the Property thereof, is hereby Declared and Enacted to belong unto, and be Vested in him or them, and he or they shall or may maintain such Action, and pursue such Remedy for the recovery and getting such Goods, as the Person or Persons Robbed might have had, or maintained, before such Satisfaction received by such Presentment for the same, as aforesaid: Such Goods nevertheless, after the same shall be so gotten or recovered, to be Sold for the most the same will Yield, and the Money made by such Sale, after the Charges for the recovery thereof are deducted, to be distributed, and paid equally and proportionably unto, and among the several Persons so Taxed; towards the Payment of the Sum contained in the said Presentment, according to each of their said several Taxations, towards the Relief of the Persons on whom the Sum Presented was Levied; such Sale and Distribution, to be Directed, Settled, and Ordered by the Justice or Justices of the Peace, Signing such Taxation; who are hereby Authorized and Required, to Direct, Settle, and Order the same accordingly.

And it is hereby further Enacted by the Authority aforesaid, That the Clerk of the Crown for the County, where such Presentment shall be made, shall on request to him made, make and deliver to any Person or Persons, desiring the same true Copies, Signed by him, of all such Presentments hereafter to be made, in pursuance of this, or the said former Act; and of all Warrants or Orders for the Levying of any Money grounded thereupon; for each of which, there shall be paid to the said Clerk of the Crown, the Sum of One Shilling only, and no more, and such Clerk of the Crown, is hereby required to make and deliver the same accordingly.

Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to annul, or make void any Verdict, Judgment, or other Proceedings already had or obtained in pursuance of the said former Act, but that the same shall continue, and be as Good, and Effectual, to all Intents and Purposes, as

if this Act had never been made, any thing herein contained to the contrary thereof in any wise notwithstanding.

Provided always, and it is hereby further Enacted, That during the continuance of this and the said former Act, no Action or Sute shall be brought or prosecuted, for recovery of any Satisfaction or Damages for any Robbery committed, or Loss or Injury sustained, for which remedy is given by this, or the said former Act, or any other Law or Statute whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who already hath, or hereafter shall Commit any Robbery or Burglary, shall, while he is at large, and before he shall be Apprehended, or in Custody for such Offence, make Discovery of any Two, or more, of such Robbers, Tories or Rapparees, being also at large, and not in Custody, so as such Two or more Robbers, Tories or Rapparees, shall thereupon be Apprehended and Convicted for such Offence, or shall Kill any Two, or more, of such Tories or Robbers, as shall be Indicted and Proclaimed, according to the said former Act, and be out on their Keeping, at the Time of such their being Killed; the Person or Persons so making such Discovery, or Killing such Robbers or Tories, as aforesaid, shall not be Proceeded against for any Robbery or Burglary, by him or them Committed, before the Making such Discovery or such Killing, as aforesaid; but shall be Intitled unto, and shall Have and Receive his Majesty's Gracious Pardon for the same; which Pardon shall, in such Case, also be a good Bar to any Appeal, to be brought for such Robbery or Burglary: And for that it hath and may be Doubted, Whether, on the Bringing such Proclaimed Tory, Rapparee or Robber to the Bar, before such Judge or Judges as are Impowered to Try, and Pass such a Sentence on him, it be Requisite to give, in Evidence against him, the Original Presentment, made by the Grand-Jury, of his being a Tory, Rapparee or Robber, out on his Keeping, according to the Intent and Meaning of the said former Act: And also, if hath and may be Doubted, Whether the Original Proclamation, under the Great Seal, Grounded on such Presentment, must be Produced in Evidence against him; or whether the Printed Proclamation, Reciting such Presentment to be made, and Returned to the Clerk of the Council, of his, the said Tories, Rapparees or Robbers being so Presented, shall be sufficient Evidence, at Law, wherein to give Judgment against him:

For Clearing whereof; And that, for the future, so good and necessary a Law, for the Quiet and Preservation

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of His Majesty's good Subjects against such Proclaimed Tories, Rapparees and Robbers, may not, by any such Scruples and Nicities, be Eluded, or the Execution thereof Delayed,

Be it Enacted by the Authority aforesaid, That at all Times hereafter, during the Continuance in Force of this, or the said former Act, the Printed Proclamation, wherein any Person is named or mentioned to be Presented, by a Grand-Jury of any County in this Kingdom, at the General Assizes or Quarter-Sessions held for the said County, to be a Tory, Rapparee or Robber, out on his Keeping, shall be Taken, Deemed and Adjudged sufficient Evidence against such Tory, Rapparee or Robber.

Provided, That before such Proclamation, so given in Evidence, the Clerk of the Council for the Time being, or his Deputy, do Certify, under his Hand and Seal, on the Back of such Proclamation, That he hath such Presentment, as by the said Act is Required, Returned to him, and Remaining in his Office, wherein the said Tory, Rapparee or Robber, is, by Name, Presented to be a Tory, Rapparee or Robber, out on his Keeping, by the same Name that he is named or stiled in the said Proclamation, and that the said Proclamation was Grounded thereon, and that the Original Proclamation, under the Great Seal, Agrees Verbatim with the Printed Proclamation, whereon he has Written such his Certificate; which Proclamation, with such Certificate Endorsed thereon, the said Clerk of the Council for the Time being, or his Deputy, shall send to the several Clerks of the Crown in this Kingdom, without any Fee or Reward.

And be it further Enacted, That this, and the former Act, shall Continue in Force for Seven Years, from the Sixth of November, One thousand six hundred ninety seven, and to the End of the next Session of Parliament, after the Expiration of the said Seven Years, and no longer.

CHAP. XXXV.

An ACT for the Preventing Frivolous and Vexatious Law-Suits; and Giving Remedy to the Parties Grieved, to Recover their Coſts at Law, in certain Caſes, where heretofore no Coſts were Given.

WHEREAS it is found, by Daily Experience, in the Courts at Law, That divers Malicious and Evil-Diſpoſed Perſons, on Purpoſe, without any juſt Cauſe of Suit, do make ſeveral Innocent Perſons Defendants, jointly with others, againſt whom, they conceive they have good Cauſe of Action; and ſo, tho' ſuch Innocent Perſon or Perſons, ſo joined in the ſaid Action, ſhall be found Not Guilty, and Acquitted of the ſaid Action; Yet if any of the other Joint-Defendants ſhall be found Guilty, and a Verdict paſs againſt them, by the Common Laws of this Realm, Such Defendant or Defendants, ſo Acquitted, after all his or their Trouble and Expence, in Defending ſuch Action, is without Remedy to Recover any Coſts of Suit againſt ſuch Plaintiffs, for ſuch his or their unjuſt Veration, contrary to all Reaſon and Juſtice. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament Aſſembled, and by Authority of the ſame, That from, and after the Firſt Day of May, which ſhall be in the Year of our Lord God, One thouſand ſix hundred and ninety eight, if any Perſon or Perſons ſhall be made Defendant or Defendants, with others, in any Action, Suit or Plaint, in Treſpaſs quare Clauſum fregit, or Treſpaſs of Aſſault and Battery; and ſuch Perſon or Perſons, ſo joyned in ſuch Action, ſhall, upon Tryal of the ſame, be Acquitted by Verdict, altho' the other Defendant or Defendants, in ſuch Action, ſhall be found Guilty, and a Verdict paſs againſt him or them therein, Every ſuch Perſon and Perſons, ſo Acquitted, ſhall Have and Recover his and their Coſts of Suit, for ſuch his and their unjuſt Veration, as if a Verdict had been given againſt ſuch Plaintiff or Plaintiffs, or a Verdict had been given for all the Defendants in ſuch Action; Unleſs the Judge or Judges, before whom ſuch Cauſe ſhall be Tryed, ſhall, immediately after the Tryal thereof, in open Court,

Court, Certify, upon the Record, under his Hand, That there was a Reasonable Cause, for the Making such Person or Persons Defendant, or Defendants, to such Action or Plaint.

And whereas, by the Law as it now stands, no Costs of Suit can be Awarded or Given to any Person or Persons, in any Action, that shall happen to Recover, or have any Judgment Given for him, upon any Demurrer in Law; by Reason whereof, many Contentious Persons make Use of such Manner of Delays, on purpose to keep others from their Just Right; or otherwise intending thereby, to Weary them into some small Composition, for what is really Due unto them.

For Remedy whereof, Be it further Enacted, That if, at any Time from and after the said First Day of May, any Person or Persons, who shall Commence or Prosecute any Action or Plaint, in any Court of Record, whereupon any Demurrer or Demurrers shall be joyned, by any Plaintiff or Defendant, Demandant or Tenant, in any such Suit or Suits; He or they, for whom Judgment or Judgments shall be given, upon any such Demurrer or Demurrers, shall have and Recover his and their Costs of Suit, to be Awarded by the Court, in such like Manner, as if such Judgment or Judgments had been given, or Recovery had, by such Party or Parties, upon Action, Tryed by Jury, and Verdict Passed for such Party therein; And that if any Person or Persons, from and after the First Day of May, as aforesaid, shall Obtain such, or any other Judgment or Judgments, in any His Majesty's Courts of Record in this Kingdom, or any the Courts of the County Palatine of Tipperary, and the Person or Persons, against whom such Judgment or Judgments shall be so given, shall, in Delay of Execution thereupon, and with Intent to Annul such Judgment or Judgments, Sue forth any Writ, Writs or Error; and afterwards, the said Judgment or Judgments shall be Affirmed, or the said Writ or Writs of Error Discontinued, or the Plaintiff or Plaintiffs therein become Non-Suit; that then, and in every such Case, the Party or Parties, against whom such Writ or Writs shall be so brought, shall Recover his and their Costs and Damages, at the Discretion of the Justices, before whom such Writ or Writs shall be so Sued, and to have Execution for such his or their Damages or Costs, so Recovered, by Writs of Capias ad Satisfaciendum, Fieri Facias or Elegit, or any of them, at the Election of such Party or Parties, for whom such Damages and Costs shall be so Awarded,

And whereas, by the Laws of this Realm, no Costs of Suit are Recoverable in any Action of Waste or Debt,

to be brought upon the Statute, for not Setting forth of Tythes, nor in any Writ of Scire Facias, or Prohibition, which hath been found very Mischievous and Prejudicial to the Suitors in such Actions, and to such Persons as, for the Recovering their just Rights, have been Forced to Sue forth the same. For Reformation whereof, for the future,

Be it further Enacted by the Authority aforesaid, That from, and after the First Day of May, aforesaid, if any Person or Persons bring any Action of Waste, or Action of Debt, upon the Statute, for not Setting forth of Tythes; in which said several Actions, the Single Value or Damage, Found by the Jury or Juries, in any such Action, shall not Exceed the Sum of Three Pounds; The Plaintiff or Plaintiffs Recovering, either by Judgment upon Verdict, or Demurrer, in such Action or Actions, shall likewise Have and Recover his and their Costs of Suit, at the like Discretion of the Justices, before whom such Writ or Writs shall be brought, and Judgment or Judgments therein given; As also, if any Person or Persons shall, after the Time aforesaid, Sue forth any Writ or Writs of Scire Facias, or Commence any Suit or Suits in Prohibition, and Recover, and have Judgment in the same, either by Verdict, or upon Demurrer; every such Plaintiff or Plaintiffs, so Recovering, shall likewise Have, and Recover his and their Costs of Suit, in such Action or Actions, at the Discretion of the Justices, before whom such Recovery shall be so Had: And if it shall happen, in any the Suits aforesaid, that the Plaintiff or Plaintiffs, in such Action or Actions, shall become Non-Suit, or Verdict or Verdicts pass against him or them, in such Suit or Action, or he or they shall Discontinue such his or their Suit or Action; then (in all such Cases) the Defendant or Defendants, in such Action or Actions, shall Have and Recover his and their Costs of Suit, in such Manner, as such Plaintiff or Plaintiffs should have done, if he or they had Recovered, and had Judgment given for them, in such Action or Actions, as aforesaid; Any Law, Custom, Practice or Usage to the contrary thereof, in any wise notwithstanding.

And that, in all the Actions aforesaid, where any of the Party or Parties to the same, shall so Recover their Costs of Suit; it shall and may be Lawful to and for them, or any of them, to Sue forth Execution for such his or their Costs, by Writs of Capias ad Satisfaciendum, Fieri Facias or Elegit, as aforesaid.

And for the Preventing Wilful and Malicious Trespasses to be brought, for the future,

Be it further Enacted, That from and after the First Day of May, aforesaid, in all Actions of Trespass, to be Commenced and Prosented in any of His Majesty's Courts of Record at Dublin; wherein, at the Tryal of the Cause, it shall Appear, and be Certified by the Judge or Judges, before whom such Cause shall be Tryed, under his or their Hands, on the Back of the Record, That the Trespass, upon which any Defendant shall be found Guilty, was Wilfully and Maliciously Committed: In every such Case, the Plaintiff shall not only Recover his Damages, Assessed by the Jury, but his full Costs of Suit, to be Tared for him by the Direction of the Court, where such Action shall be Tryed.

Provided nevertheless, That no Alteration of the same shall be made, in any the Cases aforesaid, where any Executor or Administrator shall be Defendant, in any the Actions or Suits aforesaid, so at any Time hereafter to be brought against them; but that, in all such Cases, they shall not be Liable or Subject to Payment of any Costs of Suit, otherwise, or in any other manner, than as the Law now Requires.

And for the Preventing the Abatement and Discontinuance of Process for the future, in certain Cases; and the Helping the Law in the Particulars following,

Be it likewise Enacted by the Authority aforesaid, That in all Actions to be Commenced, or brought in any Court of Record within this Kingdom, from, and after the First Day of May aforesaid, if it shall happen that any Person or Persons, being Plaintiff or Plaintiffs in such Action or Actions, shall Die after he or they shall have obtained any Interlocutary Judgment or Judgments, in such Action or Actions, and before a Full and Final Judgment or Judgments given therein; the Death of such Plantiff or Plantiffs, shall not Abate such Action or Actions, or Hinder the further Proceedings of such Cause; but that, notwithstanding such Dying of such Plaintiff or Plaintiffs, his or their Executors or Administrators may Proceed to Final Judgment against the Defendant or Defendants, in such Action or Actions, as is hereafter set forth. (If such Action or Actions shall happen to be such, as by Law may or might have been Commenced or Maintained Originally by any Executor or Administrator) as such Plaintiff or Plaintiffs, aforesaid, might have Done, if Alive. And if it shall happen, That in any such Action or Actions, the Defendant or Defendants in the same, shall Die after such Interlocutary, and before such Final Judgment or Judgments Obtained, as aforesaid; such Dying, shall not Abate such Action or Actions; But that then, notwithstanding the Death of such Defendant or Defendants, it

ſhall and may be Lawful to and for ſuch Plaintiff or Plaintiffs, in ſuch Action or Actions, if Living, and if Dead, his Executor or Adminiſtrator, to Proſecute ſuch their Action or Actions, againſt the Executors or Adminiſtrators of ſuch Defendant or Defendants, and Proceed againſt them to Final Judgment therein, as is likewiſe hereafter in that Behalf ſet forth and provided, as if the ſaid Defendant or Defendants, themſelves, had been Living; if ſuch Action or Actions be ſuch as may or might, by Law, be Originally brought and Proſecuted againſt an Executor or Adminiſtrator.

And that in Caſe of the Death of ſuch Plaintiff or Plaintiffs, as aforeſaid, it ſhall and may be lawful to, and for his, and their Executors, or Adminiſtrators, or any of them, to Sue forth and Proſecute one or more Writ or Writs of Scire facias, againſt the Defendant or Defendants, in ſuch Action, or Actions, if then Living, or if Dead, againſt the Executors, or Adminiſtrators of ſuch Defendant, or Defendants, for Reviving and Continuing ſuch Sute, or Sutes, till Judgment final ſhall be given therein; and in caſe of the Death of ſuch Defendant, or Defendants, as aforeſaid, it ſhall and may be lawful, to, and for ſuch Plaintiff or Plaintiffs (if Living) and if Dead, his or their Executors, or Adminiſtrators, or any of them in like manner to Sue forth, and Proſecute one or more Writ or Writs of Scire facias againſt the Executors, or Adminiſtrators, of ſuch Defendant or Defendants, for Reviving and Continuing ſuch Sute or Sutes, till Judgment Final ſhall be given therein as aforeſaid; the Effect of which ſaid Writ or Writs of Scire facias, ſhall be for the Party or Parties againſt whom the ſame ſhall be Awarded, to ſhew Cauſe, why notwithſtanding, ſuch the Death of any the Parties to ſuch Sute or Sutes, aforeſaid: the Plantiff or Plantiffs in the ſaid Writ or Writs, of Scire facias, his or their Executors, or Adminiſtrators, ſhould not proceed to Judgment final therein, for the Recovery of ſuch Debt or Damage, for which ſuch Action or Actions, was at firſt brought. And if at the Return of ſuch Writ or Writs of Scire facias, the Defendant or Defendants named therein, ſhall appear, but not ſhew ſufficient Cauſe to Stay, or Arreſt the Judgment final, or in default of ſuch Appearance, it ſhall be returned, that ſuch Defendant or Defendants were duly Warned, or after Two ſuch Writs of Scire facias returned, it be returned that the ſaid Defendant, or Defendants could not be found in the Bailiwick where ſuch Summons Iſſued, or that they had nothing in the ſaid Bailiwick, by which they, or any of them could be Summoned, that then, in every ſuch Caſe, one or more Writ or Writs of Inquiry of Damage, ſhall be

be awarded for the Plaintiff or Plaintiffs, in such Writ or Writs of Scire facias, against such Defendant, or Defendants therein named; upon return of which said Writ or Writs of Inquiry, duly Executed, Judgment final shall be given for every such Plaintiff or Plaintiffs, against every such Defendant or Defendants, in such Writ or Writs of Scire facias, as aforesaid.

And be it further Enacted, for the Purposes aforesaid, That if at any time after the time Limited, as aforesaid, Two or more Persons shall be joyntly Plaintiffs in any Action or Actions, against Two or more Persons, likewise Joyntly named Defendants therein, the Death or Deaths of one or more of such Plaintiff or Plaintiffs, or such Defendant or Defendants, shall not abate such Writ or Writs, in such Action or Actions, but that the same being suggested upon the Roll, or Record, of such Action or Actions, it shall and may be lawful to, and for the Surviving Plaintiff or Plaintiffs, in such Action or Actions, to proceed to Judgment against the Surviving Defendant or Defendants, in the same, as if such Death had not been.

And whereas by the Law as it now stands, if any Action or Sute be Commenced, or brought upon any Bond, or other penal Sum, for performance of Covenants, or other Agreements, in any Deed or Indenture; the Party that brings the same, can Assign only One Breach of Covenant, although there are in Truth several Breaches Committed, of which the Party Plaintiff in such Action, can have no Benefit or Reparation, notwithstanding, that he is really Damnified, by reason thereof: For Remedy whereof,

Be it further Enacted by the Authority aforesaid, That in all Actions, which from and after the said First Day of May, shall be Commenced, or Prosecuted in any of His Majesty's Courts of Record, in this Kingdom, or any the Courts of the County Palatine of Tipperary, upon any Bond or Bonds, or on any Penal Sum, for Non-performance of any Covenants or Agreements, in any Indenture, Deed, or Writing contained, the Plaintiff or Plaintiffs, may Assign as many Breaches of the said Covenants, or Agreements, as he or they shall think fit: And thereupon it shall and may be Lawful for the Jury, upon such Tryal of such Action or Actions, not only to Assess such Damages and Costs of Sute as have been heretofore usually done in such Cases; but also, to give Damage for such of the said Breaches, so to be Assigned, as such Plaintiff or Plaintiffs, upon such Tryal of the Issues taken therein, shall prove to have been Broken, and that the like Judgment or Judgments shall be Entred on every such Verdict or Verdicts, as heretofore have

been usually done in such like Cases. And it shall happen, that such Defendant or Defendants, shall not Plead to the Issue, but Judgment shall be given against him or them for such Plaintiff or Plaintiffs, upon Demurrer, or by Nihil dicit, Non sum Informatus, Cognovit accon. or the like; then and in such Case, it shall and may be Lawful, to and for such Plaintiff or Plaintiffs to suggest upon the Roll of Record, in such Action or Actions, such, and as many Breaches of the said Covenants, and Agreements, as he or they shall think fit, upon which said Suggestion, one or more Writ, or Writs, shall Issue directed to the Sheriff of that County, where such Action or Actions shall be brought, to Summon a Jury to appear before the Justice or Justices of Assize, or Nisi-prius, at their next coming into that County, to enquire of the Truth of every one of those Breaches, and such Jury, to Assess the said Damages severally, which the said Plaintiff or Plaintiffs, shall have sustained, for every of the said Breaches so assigned, as aforesaid; in which said Writ, it shall be likewise commanded to the said Justice, or Justices of Assize, or Nisi-prius, before whom such Damages shall be so given, that he or they shall make a full and certain Return of the said Writ or Writs, and the due Execution thereof to the Court from which the same shall so Issue, according to the Exigency thereof, and the time therein mentioned, which said Writ, or Writs so returned, shall be Filed, and thereupon Judgment or Judgments, shall be Entered in the said Court, on such Return, as in Cases of Writs of Enquiry of Damages, of the like nature. And in case the Defendant, or Defendants, after such Judgment Entered, and before Execution Executed, shall Pay into the Court, where the said Action shall be brought, to the use of the Plaintiff or Plaintiffs, his or their Executors, or Administrators, such Damages so Assessed by the Jury, by reason of all, or any the Breaches of such Covenants, together with the Costs of Suit, that then a Stay of Execution shall be Entred upon the Record of the said Judgment, and made accordingly for that time, as also, whensoever it shall happen, that by reason of any Execution Sued forth, and Executed upon such Judgment, the Plaintiff or Plaintiffs, his or their Executors, or Administrators, shall be fully Satisfied or Paid all his or their Debt or Damages so assessed, or the Penalty of such Bond, or Bill penal, at the Election of the Defendant, together with his or their Costs of Suit, and all reasonable Charges and Expences for Executing the said Execution; that then, and from thence forth, the Body, Goods, and Lands of such Defendant, shall be discharged from such Execution, which said Discharge shall likewise be entered upon the Record of the

Roll

Roll of the ſaid Judgment. Yet it is hereby Declared, That notwithſtanding ſuch Diſcharges, or Stay of ſuch Executions, and the Entry or Entries of either, or any of them, as aforeſaid, upon Record, where ſuch Damages do not amount to the Penalty of ſuch Bond or Bill Penal, ſuch Judgment or Judgments, ſhall ſtill remain, continue, and be in full Force, Vigour and Effect to the purpoſes hereafter mentioned: (That is to ſay) As a further Security to anſwer to ſuch Plaintiff or Plaintiffs, and his, or their Executors or Adminiſtrators; all ſuch Damages as ſhall, or may be at any time afterwards ſuſtained, for, or by reaſon of any further Breach of any the Covenant or Covenants in ſuch Indenture, Deed, or Writing contained, if any ſuch ſhall happen to be, and no Satisfaction be made for the ſame as aforeſaid, as far as the Remainder of ſuch Penalty, after the Payment of the Damage formerly Recovered out of the ſame, will reach; upon which ſaid Breach or Breaches, ſuch Plaintiff, or Plaintiffs may have, and ſhall be at Liberty to Sue forth a Writ of Scire Facias upon the ſaid Judgment againſt ſuch Defendant or Defendants, his, or their Executors, or Adminiſtrators, or againſt his Heirs or Tertenants, grounded upon Suggeſtion of other Breach or Breaches of the ſaid Covenants or Agreements, upon the Roll of the ſaid Judgment, as aforeſaid; and thereupon to Summon him or them reſpectively, to ſhew Cauſe why Execution ſhould not be had or awarded upon the ſaid Judgment; upon which there ſhall be the like Proceedings as was in the Original Action of Debt brought, upon the ſaid Bond or Obligation, for Aſſeſſing of Damages, upon Tryal of Iſſues, Joyned upon ſuch Breaches, or in Caſe of Default upon a Writ of Inquiry thereof, to be awarded in manner as aforeſaid.

Provided always, That upon Payment, or Satisfaction to be made of all ſuch future Damages, Coſts and Charges, in manner as aforeſaid, or of ſo much of ſuch future Damages as the remaining Sum of the Penalty of ſuch Bond or Bill Penal, after Payment and Satisfaction for the Damages formerly recovered will extend unto, together with Coſts of Sute, all further proceedings, or the ſaid Judgment ſhall again be ſtayed, and ſo Toties quoties (as occaſion ſhall Require) upon every new Breach the ſaid Judgment to be made uſe of as far as aforeſaid, and no further, and upon Satisfaction, made in manner aforeſaid, the Defendant his Body or Goods and Lands to be again Freed and Diſcharged out of Execution as aforeſaid.

CHAP. XXXVI.

An ACT to prevent Frauds, by Clandeſtine Mortgages.

WHEREAS great Frauds and Deceits are too often practiſed by neceſſitous and evil diſpoſed Perſons, in Borrowing of Money, and giving Judgments, Statutes, and Recognizances privately, for ſecuring the Re-payment of the ſaid Money; and the ſame Perſons do afterwards Borrow Money, upon Security of their Lands, of other Perſons, and do not acquaint the latter Lender thereof with the ſame, whereby ſuch latter Lender is very often in Danger to loſe his whole Money, or forced to pay off the Debts ſecured by the ſaid Judgments, Statutes, and Recognizances, before they can have any Benefit of the ſaid Mortgages.

And whereas divers Perſons do many times Mortgage their Lands more than once, without giving Notice of their firſt Mortgage, whereby Lenders of Money, upon Second, or after Mortgages, do often loſe their Money, and are put to great Charges in Suits, and otherwiſe.

For Remedy whereof, and Preventing the ſame, as much as may be for the future, May it pleaſe Your Sacred Majeſty, that it may be Enacted,

And be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons, from, and after the Firſt Day of April, which ſhall be in the Year of Our Lord God, One thouſand, Six hundred, and Ninety-eight, ſhall Borrow any Money, or for any other valuable Conſideration, for the Payment thereof, voluntarily Give, Acknowledge, Permit, or Suffer to be Entred againſt him or them, One, or more Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, to any Perſon or Perſons, Creditor or Creditors: And if the ſame Borrower or Borrowers, Debtor or Debtors, ſhall afterwards Take up, or Borrow any other Sum, or Sums of Money, of any other Perſon or Perſons, or for other Valuable Conſideration, become Indebted to ſuch Perſon or Perſons: And for ſecuring the Re-payment, and Diſcharge thereof, ſhall Mortgage, his, her, or their Lands or Tenements, or any Part thereof, to the ſaid Second, or other Lender, or Lenders of the ſaid Money,

Creditor

Creditor or Creditors, or to any other Person or Persons in Trust, for, or to the Use of such Second, or other Lender or Lenders, Creditor or Creditors, and shall not give Notice to the said Mortgagee or Mortgagees, of the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, in Writing, under his, her, or their Hand or Hands, before the Execution of the said Mortgage or Mortgages, unless such Mortgager or Mortgagers, his, her, or their Heirs, upon Notice to him, her, or them, given by the Mortgagee, or Mortgagees of the said Lands and Tenements, his, her, or their Executors, Administrators, or Assigns, in Writing, under his, her, or their Hands and Seals, attested by Two, or more sufficient Witnesses, of any such former Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, shall, within Six Months after such Notice given, pay off, and discharge the said Judgment or Judgments, Statute or Statutes, Recognizance or Recognizances, and all Interest and Charges, due thereupon; and cause, or procure the same to be Vacated, or Discharged by Record; that then the Mortgager or Mortgagers, of the said Lands and Tenements, his, her, or their Heirs, Executors, Administrators, or Assigns, shall have no Benefit, or Remedy against the said Mortgagee, or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, or any of them in Equity, or elsewhere, for Redemption of the said Lands and Tenements, or any Part thereof; but the said Mortgagee and Mortgagees, his, her, or their Heirs, Executors, Administrators, and Assigns, shall, and may hold, and enjoy the said Lands and Tenements, for such Estate, and Term therein, as were, or was granted and settled to the said Mortgagee or Mortgagees, against the said Mortgager or Mortgagers, and all Person and Persons, lawfully claiming, from, by, or under him, her or them, freed from Equity of Redemption, and as fully, to all Intents and Purposes whatsoever, as if the same had been purchased absolutely, and without any Power, or Liberty of Redemption.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who have, or hath once Mortgaged, or from, and after the said First Day of April, shall Mortgage any Lands or Tenements, to any Person or Persons, for Security of Money Lent, or otherwise accrued, or become due, or for other Valuable Considerations: And if the said Mortgager or Mortgagers, shall again Mortgage the same Lands or Tenements, or any Part thereof, to any other Person or Persons, for Valuable Considerations, the said former Mortgage being in Force, and not Discharged, and shall not discover to the

ſaid Second, or other Mortgagee or Mortgagees, or ſome or one of them, the former Mortgage or Mortgages, in Writing, under his, or their Hands; that then, and in thoſe Caſes alſo, the ſaid Mortgager or Mortgagers, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall have no Relief, or Equity of Redemption, againſt the ſaid Second, or after Mortgagee, or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, upon the ſaid after Mortgage, or Mortgages, but that ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall, and may hold and enjoy ſuch, more than once Mortgaged Lands and Tenements, for ſuch Eſtate and Term therein, as were, or was Granted and Conveyed by the ſaid Mortgager, or Mortgagers, againſt him, her, or them, his, her, or their Heirs, Executors, or Adminiſtrators reſpectively, freed from Equity of Redemption, and as fully to all Intents and Purpoſes, as if the ſame had been an abſolute Purchaſe, and without any Power, or Liberty of Redemption.

Provided always, and be it further Enacted by the Authority aforeſaid, That nevertheleſs, if it ſo happen, that there be more than one Mortgage, at the ſame time made by any Perſon or Perſons, to any Perſon or Perſons, of the ſame Lands and Tenements, the ſeveral late, or under Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall have Power to Redeem any former Mortgage or Mortgages, upon Payment of the Principal Debt, Intereſt, and Coſts of Suit, to the Prior Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, any thing herein contained to the contrary thereof, in any wiſe notwithſtanding.

Provided always, That nothing in this Act contained, ſhall be conſtrued, deemed, or extended, to bar any Widow of any Mortgager of Lands or Tenements, from her Dower and Right, in, or to the ſaid Lands, who did not Legally join with her Husband in ſuch Mortgage, or otherwiſe lawfully bar, or exclude herſelf from ſuch her Dower or Right.

CHAP.

CHAP. XXXVII.

An ACT for the more easy obtaining Partitions of Lands in Co-parcenary, Join-tenancy, and Tenancy in Common, and Bounding, and Mearing of Lands.

WHEREAS the Proceedings upon Writs of Partition between Co-parceners, by the Common Law, or Custom, Joint-Tenants, or Tenants in Common, are found by Experience to be tedious, chargeable, and oftentimes ineffectual, by Reason of the Difficulty of discovering the Persons and Estates of the Tenants of the several Manors, Messuages, Lands, Tenements and Hereditaments, to be divided, and the defective and dilatory Executing and Returning of the Process of Summons, Attachment, and Distress, and other Difficulties and Impediments in Making and Establishing of Partitions; by Reason of which, divers Persons having Undivided Parts, or Pur-parts, are greatly Prejudiced and Oppressed, and the Premisses are frequently Wasted, or lye Uncultivated, or not Improved, and the Profits of the same thereby, totally are, in a great Measure lost. For Remedy thereof,

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from the Sixth Day of November, One thousand, Six hundred, Ninety-seven, and after Process of Summons, or Attachment upon any Writ of Partition returned, and Affidavit made thereupon by any Sufficient and Credible Person, that due Notice in Writing is, or hath been given, of the said Writ of Partition, to the Tenant or Tenants, to the said Writ or Action, and a Copy thereof left with the Occupier, or Tenant or Tenants, in Possession of the said Lands; or if they, or any of them cannot be found, then to the Wife, Son, or Daughter, being of the Age of One and Twenty Years, or upwards, of such Tenant or Tenants, to the said Writ or Action, or Tenant in actual Possession, as aforesaid, by Vertue of any Estate of Freehold for Years, or at Will, or any uncertain Interest, of, or in the said Manors, Lands, Tenements and Hereditaments, whereof the said Partition is so demanded, unless the said Tenant

in actual Poſſeſſion, be Demandant in the ſaid Action, at the leaſt Forty Days before the Day of the Return of the ſaid Summons or Attachment; if in ſuch Caſe the Tenant or Tenants to ſuch Writ, or Tenant in Poſſeſſion to the Manors, Lands, Tenements, and Hereditaments, as aforeſaid, or any of them, ſhall not within the Term after Return of ſuch Writ of Summons or Attachment, or the Term following the ſame, cauſe an Appearance to be Entred in ſuch Court, where ſuch Writ of Summons or Attachment ſhall be Returnable, then, and in Default of ſuch Appearance, the Demandant having Filed his Declaration, the Court may, and ſhall proceed to examine the Title of the ſaid Demandant ſet forth, in his Declaration, and the Content or Quantity of his Part or Pur-Part of the ſaid Lands and Premiſſes; and according as they ſhall find his Right Part and Pur-Part to be, they ſhall, for ſo much, cauſe Judgment, by Default, to be Entred for the ſaid Demandant; and thereupon Order and Award a Writ, to make Partition, whereby ſuch Proportion, Part and Pur-Part, may be ſet out to him in Severalty; of which ſaid Writ of Execution, Notice ſhall be given to the Occupier, Tenant or Tenants, of the ſaid Manors, Lands, Tenements and Hereditaments, at leaſt Six Days before the Execution thereof: And the ſame being after ſuch Notice duly Executed and Returned, and Final Judgment thereupon Entred the ſame ſhall be Good, Binding, and Concluſive to all Perſons whatſoever, and to the ſeveral Rights, Titles, and Intereſts, which they, or any of them have, or ſhall at any time claim, or pretend to have in any of the ſaid Manors, Lands, Tenements, and Hereditaments, mentioned in the ſaid Judgment and Writ of Partition ſo awarded, as aforeſaid, altho' all Perſons concerned are not named in the Proceedings thereupon, nor the Title of the Tenants to the ſaid Writ truly ſet forth.

Provided always, That if ſuch Tenant or Tenants, or Perſon concerned, or any of them, againſt whom, or their Right or Title, ſuch Judgment by Default is given, ſhall, within the Space of One Year, after the Firſt Judgment Entred, or in Caſe of Infancy, Coverture, Non ſane Memorie, or Abſence out of the Kingdom, then within One Year after his, her, or their Return, or the Determination of ſuch Inability, apply themſelves by Motion to the Court, where ſuch Judgments are Entred and ſhew Good, and probable Matter in Bar of ſuch Partition, or that the Demandant hath not Title to ſo much as he hath ſo recovered; then, and in ſuch Caſe, the Court may ſuſpend, or ſet aſide ſuch Judgment, and admit the Tenant or Tenants to Appear and Plead, and

and the Cauſe ſhall proceed according to due Courſe of Law, as if no ſuch Judgment had been given: And if the Court upon Hearing thereof, ſhall Adjudge for the Firſt Demandant, then the ſaid Firſt Judgment ſhall ſtand Confirmed, and be good againſt all Perſons whatſoever, except ſuch other Perſons as ſhall be Abſent, or Diſabled, as aforeſaid; and the Perſon or Perſons ſo Appealing, ſhall be Awarded thereupon, to pay Coſts, or if within ſuch Time or Times, aforeſaid, the Tenants, or Perſons concerned, admitting the Demandant's Title, Parts, or Pur-parts, ſhall yet ſhew to the Court any Inequality in the Partition, the Court may award a new Partition to be made, in Preſence of all Parties concerned, and if they will appear, notwithſtanding the Return, and Filing upon Record of the former; which ſaid ſecond Partition Returned and Filed, ſhall be Good, Valid, and Firm for ever, againſt all Perſons whatſoever, except, as before excepted.

And be it Enacted by the Authority aforeſaid, That no Plea in Abatement ſhall be admitted, or received in any Sute for Partition, nor ſhall the ſame be Abated by reaſon of the Death of any Tenant or Tenants thereunto.

And be it further Enacted by the Authority aforeſaid, That when the High-Sheriff, by reaſon of Diſtance, Infirmity, or any other Hindrance, cannot conveniently be preſent at the Execution of any Judgment in Partition, in ſuch Caſe, the Under-Sheriff, in Preſence of Two Juſtices of the Peace of the County, where the Lands, Tenements, or Hereditaments to be Divided, do lie, ſhall, and may proceed to Execution of any Writ of Partition, by Inquiſition, in due Form of Law, as if the High-Sheriff were then perſonally preſent; and the High-Sheriff thereupon, ſhall, and is hereby Enabled and Required to make the ſame Return, as if he were perſonally preſent at ſuch Execution. And in Caſe ſuch Partition be Made, Returned and Filed, he, or they that were Tenant or Tenants of any of the ſaid Meſſuages, Lands, Tenements, or Hereditaments, or any Part or Purpart thereof, before they were ſo Divided, ſhall continue, and be Tenant or Tenants, for ſuch Parts Set out ſeverally to the reſpective Landlords, or Owners thereof, by, and under the ſame Conditions, Rents, Covenants, and Reſervations, where they are or ſhall be ſo Divided, and the Landlords and Owners of the ſeveral Parts and Pur-parts ſo Divided, and Allotted as aforeſaid, ſhall Warrant and make good unto their reſpective Tenants, the ſaid ſeveral Parts ſeverally after ſuch Partition, as they are or were bound to do by any Copy, Leaſe or Grant of their reſpective Parts before any Partition made; and in caſe any Demandant be Tenant, in Actual

Poſſeſſion to the Tenant, to the Writ or Action, for his Part and Proportion, or any Part thereof in the Meſſuages, Lands, Tenements, and Hereditaments to be Divided, by Virtue of a Writ of Partition, as aforeſaid, for any Term of Life, Lives, or Years, or uncertain Intereſt, the ſaid Tenants ſhall ſtand and be poſſeſſed of the ſaid Pur-parts, and Proportions, for the like Term and under the ſame Conditions and Covenants, when it is ſet out in ſeveralty, in purſuance of this, or any other Act, Statute, or Law to that Purpoſe.

And be it further Enacted by the Authority aforeſaid, That the reſpective Sheriffs, their Under-Sheriffs and Deputies; and in Caſe of Sickneſs or Diſability in the High-Sheriff, all Juſtices of the Peace, within their reſpective Diviſions, ſhall, after convenient Notice, give Due Attendance to the Executing ſuch Writ of Partition, unleſs Reaſonable Cauſe be ſhewn to the Court, upon Oath, and then Allowed of, or otherwiſe be Liable every of them to Pay unto the Demandant, ſuch Coſts and Damages, as ſhall be Awarded by the Court, not exceeding Five Pounds; for which the Demandant, or Plaintiff, may bring his Action in any of His Majeſty's Courts of Record at Dublin, wherein no Eſſoyn, Protection, Privilege, or Wager of Law, ſhall be Allowed, or more than One Imparlance. And in Caſe the Demandant do not Agree to Pay unto the Sheriff or Under-Sheriff, Juſtices and Jurors, ſuch Fees as they ſhall reſpectively Demand for their Pains and Attendance in the Execution of the ſame, and Returning thereof; then the Court ſhall Award what each Perſon ſhall Receive, having Reſpect to the Diſtance of the Place from their reſpective Habitations, and the Time they muſt neceſſarily Spend about the ſame, For which they may ſeverally bring their Actions, as aforeſaid.

Provided, That this Act ſhall Continue in Force for Seven Years, and from thence to the End of the next Seſſion of the next Parliament, and no longer.

And whereas many Inconveniencies and Law-Suits have heretofore Ariſen, and may hereafter Ariſe, by Reaſon the Bounds of the ſeveral Proprieties of Lands within this Kingdom, are not ſufficiently Diſtinguiſhed, by certain and known Mears.

For Prevention whereof, and for the better Carrying off the Water, and Draining the Bogs and wet Lands, and Improving the ſame,

Be it Enacted by the Authority aforeſaid, That where the Mears of Lands, between Propriety and Propriety, have, or ſhall hereafter be Set out, or Aſcertained, by a Writ of Partition, Perambulation, or otherwiſe; the ſame ſhall, at Equal Charge of the Proprietors thereof,

or

or their Tenants, be Incloſed with good Ditches, where Earth ſufficient may be had to make the ſame, and therein One or Two Rows of Quick-Sets ſhall be Planted; and where Earth ſhall be wanting, ſuch other Fences ſhall be made, as the Nature of the Soil ſhall permit: And where Lands are Leaſed for a long Term, it may ſeem Unequal to lay the Charge of ſuch Ditches and Fences on the Landlords,

Be it therefore Enacted, That where Lands are Held in Fee-Farm, or for Lives Renewable for ever, or for a Term of Sixty Years, to Run from the Sixth Day of November, One thouſand ſix hundred ninety ſeven, There the Charge of Making the Mears or Fences, as aforeſaid, ſhall be intirely Born by the Tenant; And where Lands are Leaſed for Lives, wherein Three Lives ſhall be Current, or for Years, where Twenty One Years ſhall be Unexpired, at or upon the ſaid Sixth Day of November, One thouſand ſix hundred ninety ſeven, There the ſaid Mears ſhall be Incloſed at the Equal Charge of Landlord and Tenant; And where Lands are Leaſed for any leſſer Time or Term, the Bounds ſhall be Incloſed at the Sole Charge of the Landlord.

Provided, That nothing in this Act Contained, ſhall be Taken, or Conſtrued to be Taken, to make Void any Covenants heretofore made between Landlord and Tenant, Relating to the Incloſing of Mears.

And be it further Enacted by the Authority aforeſaid, That whatſoever Perſon or Perſons, Chargeable by this Act with the Fencing and Cloſing of their Bounds, as aforeſaid, who ſhall not have Actually Done the ſame, within Six Months after ſuch Partition made, Shall Forfeit, for his or their Neglect, One Year's Value of the ſaid Land; One Moyety thereof, to the Uſe of the Poor of the Pariſh, where ſuch Land ſhall lie; and the other Moyety to him, or them, that will Sue for the ſame: And if the Perſon or Perſons, Chargeable with the Incloſing his Mears, as aforeſaid, ſhall further Neglect to do the ſame within One Year; he, or they, ſo Offending againſt this Act, ſhall Forfeit Two Years Value of the ſaid Lands, to be Paid and Recovered in Manner aforeſaid.

And it is hereby further Enacted by the Authority aforeſaid, That all Mearing, Fences, Ditches and Drains, made, or hereafter to be made, be, and ſhall, from Time to Time, and at all Times hereafter, at the Equal Charge of the Tenants and Occupiers of the ſaid Lands, be kept Open, Scoured and Cleanſed, that the Water may not Stand, but Paſs away; And that whatſoever Perſon or Perſons ſhall Refuſe or Neglect to

do the same, shall Forfeit, for such Refusal and Neglect, One Year's Value of the said Land; to be Recovered in such Manner, and to such Uses, as is herein before Expressed.

CHAP. XXXVIII.

An ACT for avoiding of Vexatious Delays, caused by removing Actions and Sutes out of Inferior Courts.

WHEREAS there now are, and long time have been divers Courts of Record, in divers Cities, Liberties, Towns Corporate, and elsewhere, some of them being far remote from Dublin, which were principally obtained for the Ease and Quiet of such as should have occasion to Sue there for Debts and Wrongs, so that they might with small Expences, receive Justice according to the Merits of their Causes in those Inferior Courts, without being Compelled to Travel to Dublin; but of late divers of His Majesty's Subjects, having for Just and True Debts, and other Good and Lawful Causes, commenced Sutes in such Inferior Courts, and Prosecuted their Actions and Sutes many times ready for Trial, and the same Causes being for the most part of small value, have been removed into some of His Majesty's Courts at Dublin, and being remanded by Procedendo, into the same Inferior Courts, where the Action, or Sute was first commenced, the same having been again oftentimes removed into the same, or other of His Majesty's Courts at Dublin; to the Intolerable delay of Justice, and great Expences of Money, and Loss, and Trouble to those who justly and honestly, by such Actions and Sutes, have sought only to Recover or get Satisfaction for Debts, Duties, or Wrongs owing due or done unto them: For Remedy whereof,

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no Writ or Writs of Habeas Corpus, Certiorari, or any other Writ or Writs, Process or Processes whatsoever, other than Writs of Error, or Attaint, to be sued forth after the Twentieth Day of November next, which will be in this present Year of Our Lord, One thousand six hundred ninety seven, by any Person or Persons whatsoever, out of, or from any of His Majesty's Courts at Dublin,

lin, or out of any other Court or Courts, having or pretending to have power to Award such Writs or Processes to stay or remove any Action, Bill, Plaint, Sute or Cause, Brought, Commenced, or Depending, or hereafter to be Brought, Commenced, or Depending in any Court or Courts of Record, within any City, Liberty, Town Corporate, or elsewhere, which have, or shall have Jurisdiction, Power or Authority, to hold Plea in that Action, Bill, Plaint, Sute, or cause the same Cause of Action, Bill, Plaint or Sute arising, or growing within the said City, Liberty, Town Corporate or Jurisdiction, shall, after the said Twentieth Day of November next, be received or allowed, by the Steward, Judge or Judges, or Officer or Officers of the Court or Courts, wherein or to whom any such Writ or Writs shall be Directed and Delivered, but that he and they shall, and may Proceed in the said Cause or Causes, as though no such Writ or Writs were Sued forth, or Delivered to him or them, Except that the said Writ or Writs be Delivered to the Steward or Stewards, Judge or Judges, Officer or Officers of the said Court, before Issue or Demurrer, joyned in the said Cause or Causes so Depending, or to be Depending in such Court of Record, in any City, Liberty, Town Corporate, or elsewhere, having power to hold such Plea, so as the said Issue and Demurrer be not joyned in Six Weeks next after the Arrest or Appearance of the Defendant or Defendants, to such Action or Sute commenced.

And be it further Enacted by the Authority aforesaid, That if any such Action, Bill, Plaint, Sute, or Cause, which is, or shall hereafter be Brought, Commenced, or Depending in any such Court of Record in any City, Liberty, Town Corporate, or elsewhere, shall, after the said Twentieth Day of November next, be removed or stay'd by any such Writ or Writs, Process or Processes, to be Sued forth out of any of His Majesty's Courts at Dublin, or any other Court as aforesaid: That if afterwards the same Action, Bill, Plaint, Sute, or Cause, shall be remanded or sent back again by any Writ or Writs of Procedendo, or other Writ whatsoever; that then the said Action, Bill, Plaint, Sute, or Cause, shall never afterwards be removed or staped before Judgment, by any Writ or Writs whatsoever, to be Sued forth out of any of His Majesty's said Courts at Dublin, or any other Court as aforesaid, any Law, Statute, Custom, Usage, or Restraint to the Contrary thereof, in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Sute, or Cause, not concerning Freehold, or Inheritance, or Title of Land,

Lease, or Rent, which shall be Brought, Commenced, or Depending, in any such Court of Record, or any City, Liberty, Town Corporate or elsewhere, if it shall Appear, or be laid in the said Declaration, that the Debt, Damages, Things Demanded, doth or shall not amount to, or exceed the Sum of Five Pounds, that then such Action, Bill, Plaint, Sute, or Cause, shall not be stayed, nor be removed into any of His Majesty's Courts at Dublin, or other Court as aforesaid, by any Writ or Writs whatsoever, to be Sued, or Prosecuted forth, or out of His Majesty's said Courts at Dublin, or other Courts, as aforesaid, other than Writs of Error, or Attaint, any Law, Statute, Usage, Custom or Restraint to the Contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Writ or Writs whatsoever, shall be, after the said Twentieth Day of November next, Granted or Sued forth, out of any His Majesty's Courts at Dublin, or other Court, contrary to the Meaning of this present Act; that then it shall, and may be Lawful to, and for the Judge or Judges, and Officer or Officers, to whom such Writ or Writs shall be Delivered, to Disallow, and Refuse the same, and to Proceed as if no such Writ or Writs had been Granted, or Sued out, or forth, as aforesaid, any Law, Statute, Usage, Custom or Restraint, to the contrary in any wise notwithstanding.

And whereas some Persons have doubted whether an Act made in the Tenth Year of the Reign of King Charles the First, Intituled, An Act for Expedition of Justice in Cases of Demurrers, &c. And one other Act made in the said Tenth Year of the said King Charles the First, Intituled, An Act for the Reformation of Jeofailes, &c. Extend to Inferior Courts of Record.

And whereas an Act made in the Thirty Third Year of the Reign of King Henry the Eighth, Intituled, An Act touching Mis-impleading and Jeofailes, And an other Act made in the said Tenth Year of the said King Charles the First, Intituled, An Act for avoiding Unnecessary Delays of Execution; And an other Act made in the Seventeenth and Eighteenth Years of King Charles the Second, Intituled, An Act to prevent Arrests of Judgment, and Superseding Executions, are found by Experience to be Good and beneficial Laws, but do not Extend to the said Inferior Courts; To the end thereof, that all His Majesty's Subjects may have the full Benefit and Advantage of so Good Laws.

Be it Enacted by the Authority aforesaid, That all the several above-mentioned Acts, shall from the said Twentieth Day November next, be, and be Construed to be in Force, in all Inferior Courts of Record in this Kingdom,

dom, and ſhall be as Effectual, and as duly obſerved in all the ſaid Inferior Courts, as if the ſaid Inferior Courts had been particularly named and expreſſed in the ſeveral above-mentioned Acts.

And whereas in County Courts, Manor Courts, and other Inferior Courts, where ſmall Actions of Debts and Damages, under Forty Shillings are tryed, ſufficient Encouragement cannot be given to Attorneys, or other Perſons Skilled in the Law of this Realm, to practice, ſo that the Pleadings and Proceedings in the ſaid Courts are not ſo Formal as by Law they ought to be, for the Eaſe of the Subject.

Be it Enacted by the Authority aforeſaid, That in all the ſaid Inferior Courts which have Power to try Actions under Forty Shillings, and no more, that the Proceedings and Pleadings may be in Engliſh, and ſhall not for that, or any other Defect in Form, be Quaſhed or Vaccuated if the ſame be Removed by Writ of Falſe Judgment, or otherwiſe, into any of His Majeſty's Courts of Record, any Former Law, Cuſtom, Statute, or Uſage to the contrary notwithſtanding.

CHAP. XXXIX.

An ACT for Redreſs of certain Abuſes in Making Pewter and Braſs.

WHEREAS there is much Pewter and Braſs, Made, Wrought, and Vended, within this Kingdom, which is not of ſuch Fine Metal, and ſuch perfect Goodneſs as the ſame ought to be; and is Made, Wrought, and Vended oftentimes by very Unskilful Perſons, who underſtand not the True Making and Working of ſuch Metals, or by other Perſons, who uſe the ſaid Art Deceitfully, all which Tends much to the prejudice of His Majeſty's Subjects, who have occaſion to Buy, and make Uſe of Pewter and Braſs: For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That from and after the Firſt Day of January next, which will be in the preſent Year of Our Lord, One thouſand Six hundred and Ninety ſeven, no Perſon or Perſons, uſing the Craft or Trade of Pewterers and Braſiers, or who Buy, Sell, Trade, or Deal in the ſame, within this Realm, ſhall Sell, or Change, any Pewter or Braſs,

New or Old, at any Place or Places, save only in open Fairs and Markets, or in their own Publick Shops and Dwelling Houses, upon pain that every Person and Persons, Acting contrary hereunto, shall for every such Offence, Forfeit and Lose the Sum of Forty Shillings, the one half to go, and be to the use of the Poor of the Parish, where such Offence shall be Committed, the other half to the Person or Persons, that shall Seize, Find, or Prosecute for the same.

And be it further Enacted by the Authority aforesaid, That no Person or Persons, from and after the said First Day of January next, shall at any Place or Places, within this Realm, Cast, Make or Work any new Pewter, or Brass Vessel, but such as shall be of as good Fine Metal, as is the Pewter and Brass, Cast and Wrought after the perfect Goodness required for the same, within the City of London, upon pain of Forfeiture of all and every such Pewter and Brass Vessel and Vessels so Cast, Made, and Wrought contrary thereunto, the one half of such Forfeiture to be to the Use of the Poor of the Parish, where such Offence shall be Committed, the other half to the Use of the Finder, Discoverer and Prosecutor for the same, which said Offences shall be Examined, Heard and Determined in all Cities, and Corporate Towns, by, and before the Mayor, Bailiff, Soveraign, Portreeve, or other head Officer of such City, or Town Corporate, and in all other Places, by and before two Justices of the Peace of the respective Counties, where such Goods shall be so Seized, as aforesaid, who are hereby Authorized and Required, to Examine the said Matters, on Oath of One or More Witnesses, which Oath they are hereby Authorized to Administer, and to Hear, Determine, and give Judgment thereupon, for the Forfeiture of such Goods, to the Uses aforesaid, or otherwise for Discharging and Restoring the same, as they shall see cause; which said Judgment so given, such Mayor, Bailiff, Justices of the Peace, or other Officer, are hereby Required to Return, and Certifie to the Justices of the Peace, at the next Quarter-Sessions, to be held for such City, Town Corporate, or County respectively, to the Intent that the same may be there Entred of Record.

Provided always, That no Pewter and Brass, shall be so Seized or Forfeited, save only such as shall at the time of such Seizure, be in the possession of some Pewterer or Brasier, or other Person using the said Trade or Mystery, or Selling such Pewter or Brass, or of some Person or Persons in Trust for him or them, and not such as

as ſhall be in the poſſeſſion of any other Perſon, not uſing ſuch Trade or Myſtery, as the proper Goods of ſuch other Perſon.

And be it further Enacted by the Authority aforeſaid, That no manner of Perſon or Perſons, of what Degree or Condition ſoever, he or they be, from and after the ſaid Firſt day of January next, ſhall make any Hollow Wares, That is to ſay, Salts and Pots, or the like of Pewter, called Lay-Metal, which ſhall be of courſer or worſe Metal, than according to the Aſſize of Lay-Metal, Wrought within the City of London; and that the Makers of ſuch Wares ſhall make the ſame Wares, with ſeveral and particular Marks of their own, to the intent, that the Makers of ſuch Wares ſhall avow the ſame, and ſuch Wares may appear to be Made by them, and that all and every ſuch Wares not ſo ſufficiently Made, Wrought, or Marked in Form aforeſaid, found in the poſſeſſion of the ſame Maker or Seller, ſhall be Seized as Forfeited; and if the ſame Ware be Sold before ſuch Seizure, then the ſaid Maker ſhall Forfeit the Value of the ſame Ware, ſo Unlawfully Wrought and Sold, the One half of ſuch Forfeiture, to be to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be Committed, and the other half to the Uſe of the Finder or Finders, Searcher, and Proſecutor for the ſame; ſuch Offences to be Examined, Heard, and Determined as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons, after the ſaid Firſt Day of January next, Uſing, Buying, and Selling, of Pewter and Braſs, ſhall have, or make uſe of any Deceitful, or Falſe Beams, or Weights, ſuch Perſon or Perſons, ſhall for every ſuch Offence, Forfeit the Sum of Five Pounds, the one half to the Poor of the Pariſh, where ſuch Offence ſhall be Committed, the other half to the Perſon or Perſons, Finding, Diſcovering, and Proſecuting for the ſame, ſuch Proſecution to be before ſuch reſpective Perſons, and in like manner, as for the other Offences, againſt this Act before mentioned; And ſuch Perſons are hereby reſpectively Authorized and Required, to Act therein, as in caſes of ſuch other Offences; and if the ſaid Offender or Offenders, ſhall not be ſufficient to pay the ſaid Sum or Sums, ſo by him or them Forfeited, that then it ſhall, and may be Lawful, to, and for ſuch Perſon or Perſons reſpectively, before whom ſuch Offences ſhall be Tryed, to put ſuch Offender in the Stocks, for the ſpace of Two Hours, and after to continue him in cuſtody, until the next Market Day, for the place where ſuch Offence ſhall be committed, and then in the open Market place, during the chief time of ſuch Market, to put, and continue

him with his Head in the Pillory, for the space of one Hour.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to, and for the Master and Wardens, of the said Crafts of Pewterers and Brasiers, within every City and Burough, within this Realm, where such Master and Wardens are; and where such Master and Wardens are not, then to, and for the Head Officer, and Magistrates of the said City and Burough, to appoint certain persons most expert in knowing of the same, to make Search in Cities and Buroughs where they dwell, for, and after such Offenders, and him or them, to Apprehend, or Cause to be Apprehended; and also to Seize such Goods as they shall justly suspect to be made contrary to this Act, and Lyable to be Seized by Vertue thereof, and forthwith to bring such Offenders and Goods so Apprehended and Seized, before the respective Persons hereby Required to Hear, and Determine such Offences, in Order to their further Procedure thereupon, according to the Directions of this Act: And the Justices of the Peace within every Shire, or County of this Kingdom, are hereby Authorized and Required, at the General-Sessions of the Peace, to be held for their respective Counties, at Michaelmas in every Year, to Assign and appoint Two certain Persons, having Experience in such Goods, to make Search in the Premisses, in every part of the said Shire or County, as well within Franchises, as without, except in Cities or Buroughs, where Persons are appointed for that purpose, by the Head Officer, or Governors of the same, and to Seize such Offenders, and Goods, and bring the same before such Justices of the Peace, who is hereby Required, to Hear and Determine such Offences, in Order to their further Procedure thereon, as aforesaid; and that in default of the Master and Wardens, or other the Persons to be Appointed, according to this Act, of Searching in manner aforesaid, it shall and may be lawful, to, and for any other Person or Persons having Cunning, and Knowledge in the said Occupation, by oversight of the Mayor, Bailiff, and Head Officers of the said Cities and Buroughs, to Search all the aforesaid places, for any of the aforesaid Unlawful Metals, and Unlawful Weights, in order to the putting of this present Act in due Execution.

CHAP.

CHAP. LX.

An ACT for the more Eaſy, and Speedy Securing and Recovery of Small Debts.

WHEREAS nothing would conduce more to the Advancement of Trade, Commerce, and Induſtry in this Kingdom, than that an Eaſy, and Summary way, for the Recovery and Securing of Small Debts, might be found, whereby an Univerſal Credit might be Eſtabliſhed among the Trading People of this Realm without the neceſſity of Tedious and Coſtly Sutes of Law. May it therefore pleaſe Your Majeſty, that it may be Enacted.

And be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this Preſent Parliament Aſſembled, and by Authority of the ſame, That in every County, and every County of a City, and County of a Town in this Kingdom of Ireland, ſome Perſon before the Firſt Day of February, in this preſent Year of Our Lord, One thouſand Six hundred ninety ſeven, be appointed by His Majeſty, or by the Lord Lieutenant, Lord Deputy, Lord Juſtice, or Lords Juſtices, or other Chief Governor or Governors of this Kingdom, for the time being, to be Regiſter in each County, or County of a City, or County of a Town; which ſaid Perſon ſo Appointed, ſhall be a Reſident, or Inhabitant, for the moſt part, in ſuch County reſpectively, wherein he ſhall be, as herein-after Employed, and ſhall enter into Recognizance of Five Hundred Pounds Sterling, before ſome one of the Judges of either Bench, or Barons of His Majeſty's Court of Exchequer, or before the Juſtices of the Peace, at the next Quarter-Seſſions, to be holden for the ſaid County, for the due Execution of his Office; Which ſaid Recognizance, ſhall be Filed of Record, in His Majeſty's Court of Exchequer in this Kingdom, ſome time before the laſt Day of the enſuing Term, after ſuch Recognizance ſhall be acknowledged: And that every ſuch Regiſter of any ſuch County as aforeſaid, ſhall, and may, by the Authority of this Act, have Power to Appoint one or more Deputy, or Deputies, to Officiate under him in ſuch County reſpectively.

And be it further Enacted by the Authority aforeſaid, That every ſuch Regiſter, and Deputy or Deputies; before he or they ſhall take upon him or them reſpectively,

the Execution of the ſaid Office, ſhall take the following Oath, before ſome one or more of the Juſtices of the Peace of the ſaid County, or County of a City, or County of a Town, or before the Chief Magiſtrate of ſuch Town, or Corporation, or his Deputy, where ſuch Regiſter ſhall keep his Office, (viz.)

I A. B. do Swear, that I will according to the beſt of my Skill and Cunning, duly and faithfully execute the Office of Regiſter (or Deputy Regiſter) in this County, according to an Act of Parliament, Intituled, **An Act for the more Eaſy and Speedy Securing and Recovery of Small Debts,** and that I will not Directly, nor Indirectly, demand, take, or receive any manner of Fee, Reward, or Gratuity, by reaſon or Colour of my Office, other than ſuch Fees as are allowed by the ſaid Act.

So Help me God.

And ſhall then likewiſe take the Oaths, and Subſcribe the Declaration mentioned and contained in an Act of Parliament, made in England, **in the Third Year of the Reign of His Preſent Majeſty, and the late Queen** Mary, **Intituled,** An Act for the Abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths; **which ſaid Oath of Office, and other Oaths and Declaration, the ſaid Juſtice or Juſtices of the Peace, or other Chief Magiſtrate of ſuch Town or Corporation, or his Deputy are hereby Authorized, Impowered and Required to Adminiſter. And further, that every ſuch Regiſter, Deputy or Deputies aforeſaid, upon the Pain, Penalty, and Forfeiture of his or their reſpective Office or Offices, ſhall take the aforeſaid Oath of Office, and the aforeſaid Oaths, and Subſcribe the Declaration, at the next Quarter-Seſſions, or the next Aſſizes to be holden for the ſaid County, or County of a City, or County of a Town, which ſhall firſt happen in Open Court, between the Hours of Nine and Twelve, in the Morning; which ſaid Oaths reſpectively, and Declaration, the ſaid Judges of Aſſize, or Juſtices of the Peace at their reſpective Seſſions, are hereby Authorized, Impowered and Required to Adminiſter.**

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of February **next, every Perſon and Perſons having any Bond or Bill, under Hand and Seal, for any Sum or Sums of Money, not exceeding Ten Pounds, principal Money, which ſaid Bond, or Bill, being acknowledged before any Perſon who is a Juſtice of the Peace in this Kingdom, or before the Chief Magiſtrate of any Town Corporate, and ſuch Juſtice of the Peace, or Chief Magiſtrate or his Deputy, Certifying ſuch Acknowledgment, which acknowledgment, every Juſtice of the Peace of this Kingdom,**

dom, and every Chief Magistrate of any Town Corporate, or his Deputy, are by the Authority of this Act, Impowered and Required to take, and Certificate under their respective Hands and Seals, to make, and deliver to the Party and Parties interested in such Bond, or Bonds, Bill, or Bills, which Certificate and Bond, or Bill, being brought to the Register, or his Deputy, of such County, County of a City, or County of a Town, wherein such Person is a Justice of the Peace, or Chief Magistrate of a Town Corporate, or his Deputy, such Register, or his Deputy, or Deputies, or one of them, shall in a Book to be kept for that purpose, make an Entry of the said Bond, or Bill, and Acknowledgment, at large; as also the Receipts and Transfers, thereon endorsed, if any be, and from, and after such Entry, the Person or Persons who perfected the same, his and their Goods and Chattles Personal, shall be thereby Bound and Liable to the said Debt and Interest, from the Day of Payment, in like manner as if the same had been a Judgment at Law.

And to the end there may be no Mistakes or Controversies, for, or concerning the said Bonds or Bills, in Relation to the Wording thereof.

Be it further Enacted by the Authority aforesaid, That all such Bonds or Bills as shall be Registred in pursuance of this Act, shall be Printed and Stamped with His Majesty's Arms, and be in the Form following: That is to say,

KNOW all Men by these presents, that of in the County of do Acknowledge my self to stand justly Indebted unto of in the County of in the full and just Sum of Pounds *Sterling*, to be Paid to the said his Executors Administrators or Assigns, at or before the Day of to the which Payment, I Bind my self, my Heirs, Executors and Administrators; and in default of Payment thereof, I do consent, that Execution shall Issue against my Body, Goods and Chattles Personal: Witness my Hand and Seal, this Day of

And in Case that there be two or more Persons Bound in the said Bond, the said Printed Bond shall be Printed and made so, as to Comprehend them, and to Bind them Jointly and Severally. And to the end, Forged and Counterfeit Bonds or Bills may be prevented, and the Subjects of this Land, sufficiently provided with the said Bonds, or Bills, so Printed and Stamped, at Easy and Moderate Rates.

Be it Enacted by the Authority aforesaid, That every Register of any County, or County of a City, or County of a Town, shall provide in every Market-Town, with-

in their respective Limits and Precincts, a sufficient Quantity of such Blank Bonds, or Bills for Sale, Stamped with the King's Arms, and the Name of the County, whereof such Person shall be Register. And that no Person or Persons whatsoever, shall expose to Sale in any such Market-Town, as aforesaid, any Stamped, Printed Bonds, or Bills, other than such as shall be Stamped by the said Register or his Deputy, or Deputies, upon the Penalty of Forfeiting Ten Pounds for each Offence, to such Register, to be Recovered by such Register, thereby Injured, by Action of Debt, Bill, Plaint or Information, wherein no Essoin shall be allowed, or more than one Imparlance.

Provided always, and be it further Enacted, and Declared by the Authority aforesaid; That no Person or Persons, shall be oblidged to pay more than one Penny for each of such Bonds or Bills.

And be it further Enacted by the Authority aforesaid; That the Words used by the Party or Parties, Transferring of the said Bonds or Bills, shall be these, or to the like Effect following; That is to say,

I *A. B.* do Transfer this Bill to *C. D.* as Witness my Hand, this day of *Anno Domini*

And in Case there be Two or more Obligees, then the said Transferrer shall be in their Names, with proper Words to the Effect and Purport aforesaid, Mutatis Mutandis.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, stand Indebted by such Bond or Bill, Acknowledged and Entred, as aforesaid, and shall Refuse to pay such Debt or Debts, at the time the same shall become Due and Payable; Or at any time afterwards, such Creditor or Creditors, making Oath, that the Money Due thereon, hath been Demanded, and the Bond or Bill, Tendred to the Party or Parties Indebted, his, or their Executors, or Administrators, at his, or their Place or Places of Abode, or Residence, the said Oath to be made before the Justices of the Peace, at the Quarter Sessions, to be holden for the County, County of a City, or County of a Town, where the said Bond, or Bill, is Entred in open Court, between the Hours of Nine and Twelve in the Morning; Which Oath, the said Justices of the Peace, are hereby Impowered, and Required to Administer; and which Oath, the said Register, or his Deputy, are Required to Receive and Enter; then the said Register, or his Deputy, at the same Quarter-Sessions of the Peace, or at any other Quarter-Sessions to be holden for the said County, at any Time within One Year after the said Money shall

shall become Due, and Payable, upon the Delivery to him, the said Register, or his Deputy of the said Bond, or Bill, shall Issue a Warrant of Execution, under his Hand, and Seal of Office, Directed to all and every the High-Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables of this Kingdom, against the Person or Persons, his or their Executors, or Administrators Owing the said Money, or his and their Goods and Chattles personal, for the Recovery, and Levying of the said Money, together with the Interest which shall then be Due; as also the Costs and Fees, for Entring of the said Bond or Bill, and for the Warrant of Execution, and other Fees, according to the Directions and Limitations, herein-after mentioned and expressed.

And to the end, all Disputes and Controversies, for, and concerning the Payment, and Discharge of such Debt or Debts, for, or on Account of such Bonds or Bills, may be prevented.

Be it further Enacted by the Authority aforesaid, That no Payment or Payments, shall be Esteemed Valid, for, or on Account of such Bonds or Bills, unless the same be Entred on the Back of the said Bond or Bill, by the Party or Parties, Interested therein, at the time of Entring of such Payment or Payments.

And be it further Enacted by the Authority aforesaid, That the Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables, who shall have the Execution of the said Warrants, in their respective Counties, County of a City, or County of a Town, Precincts, and Liberties, shall have full Power and Authority, upon the Delivery of such Warrant or Warrants, to them respectively; and are accordingly hereby required to Arrest, and take the Body or Bodies, of the Person or Persons, against whom the said Warrants of Execution shall Issue, if so be the Party or Parties, Plaintiff or Plaintiffs, his, or their Servant, or Agent, shall desire the same: And in Case any Person or Persons, at such Desire, shall be so Arrested or Taken, by any of the aforesaid Officers, appointed by this Act, who have not the Custody, or Keeping of Prisoners upon Execution, out of His Majesty's Four Courts, that then the Person or Persons so taken, shall be Delivered to the Plaintiff, or his Servant, or Agent, to be carried, and conveyed to the Sheriff, or other Officer, having the Custody of the Goal of the said County, where the said Person or Persons shall be so Taken, at the Charge and Peril of the said Plaintiff, Who is hereby required to Receive and Keep, him or them, in safe Custody; Which said Sheriff, or other Officer, having the Custody of the said Goal, shall be chargeable with the said Debtor or

Debtors, in like manner, as if such Debtor or Debtors, had been taken upon a Capias ad Satisfaciendum, upon a Judgment at Common Law.

And be it further Enacted by the Authority aforesaid, That the said several Sheriffs, Coroners, Bailiffs, Seneschals, Stewards, and High-Constables in their respective Limits and Precincts, shall by the Authority of this Act, have full Power and Authority upon such Warrant of Execution, against any Person or Persons Goods, at the desire of the Party, or Parties, Plaintiff, or Plaintiffs, his, or their Agent or Servant, to Seize and Take the said Person, or Persons, Goods, and Chattles Personal, in Execution, and the same to Appraise by the Appraisers of the Parish, or Barony, where the same shall be so Taken or Seized, and shall give the Debtor, or Debtors, if so be he, or they may be found, the First Refusal of the said Goods and Chattles Personal, at the Appraised Rate; which if the said Debtor, or Debtors, shall refuse, or neglect to pay within Ten Days after such Appraisement, then the said Goods and Chattles Personal, shall be sold and delivered to the Plaintiff, his Servant, or Agent, he, or they Paying according to the Appraised Values, to the Party or Parties Interested, whatsoever Sum or Sums of Money the same shall amount unto, over and above the said Principal Debt, Interest, and Costs, according to the true intent and meaning of this Act, and for which, the said Warrant of Execution, shall be a sufficient Authority to the said Sheriff, Coroner, Bailiff, Seneschal, Steward, and High-Constable, and to every, or any of them, and that the said Sheriff, Coroner, Bailiff, Seneschal, Steward, or High-Constable, shall make return thereon, in what manner the said Warrant was Executed, to the Register of the County, or his Deputy, or Deputies, from whence the said Warrant of Execution Issue, at, or before the next Quarter-Sessions of the Peace, to be holden for the said County, after such Execution Executed; which Warrant of Execution, with the Return thereof, shall be Read in the open Court, and there Filed, and kept by the said Register, or his Deputy, and in case the Sheriff, or any other Officer, as aforesaid, appointed by this Act, shall, on any such Warrant of Execution, take any Person or Persons, or his, or their Goods, or Chattles Personal, in Pursuance, or by Colour of this Act, and shall refuse, or neglect to execute, or make return of such Warrant of Execution in reasonable time, after the Delivery thereof, and according to the Direction of this Act, upon reasonable Demand Made by the Plaintiff or Plaintiffs, his, or their Servant, or Agent, that then such Sheriff, or other Officer, as aforesaid, refusing, or neglecting so to do, shall be lyable to an Action

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on the Case, at the Suit of the said Plaintiff, or Plaintiffs, his, or their Executors, or Administrators, in like manner, as if the same had been an Execution, Executed on any Judgment at Law, either upon the Body, or Goods; and shall pay Treble Costs, in case Judgment shall pass for such Plaintiff or Plaintiffs, his or their Executors or Administrators.

Provided always, and be it further Enacted and Declared, by the Authority aforesaid, That all and every Person or Persons, Plaintiff, or Plaintiffs, in every such Warrant of Execution, shall from time to time, and at all times before such Execution, Made and Executed, be at full Power and Liberty to make his Election or Choice, whether he will have the Body or Bodies, or Goods Personal, taken in Execution, of the Party, or Parties, Defendant on such Warrant of Execution, as aforesaid: And that the said Sheriff, Coroner, Bailiff, Seneschal, Steward, and High-Constable, and every of them, shall Pursue the Direction of the Plaintiff or Plaintiffs, his, or their Servant, or Agent therein; and in Case the Plaintiff or Plaintiffs, his or their Servant, or Agent, shall Procure the said Defendants Body to be taken in Execution, then no further Execution on the Defendants Goods, shall be during the Continuance of the said Defendants Imprisonment; or in Case the Plaintiff, or Plaintiffs, his or their Servant, or Agent, shall Procure such Defendants Goods and Chattles Personal, to be taken in Execution, which on Appraisment shall appear to be sufficient to answer the said Complainants Debt, Principal, Interest, and the Costs herein-after allowed; that then, no Execution shall be made on the said Defendants Person, any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That it shall, and may be Lawful, to, and for such Person or Persons, to whom any Money shall be Due, or Owing by such Bond or Bill, upon the back of such Bond or Bill, in manner, as is aforesaid Directed, to Transfer, or Assign the Money so Due and Owing, together with the Interest then Accrued, or to Accrue, and the Costs Paid in pursuance, or according to the Direction of this Act, to any other Person or Persons whatsoever; and the same so Assigned, or Transferred, such Assignee or Assignees, his, or their Executors, or Administrators, shall have the Entire, and Sole Right, Interest, and Property in the said Bond or Bill, together with the Money, Principal, Interest, and Costs due thereon, Exclusively of any Right, Property, or Interest of any other Person or Persons, his, or

their Executors, or Administrators, to whom the same was formerly Entred into, or Transferred, or Assigned, and that no Release, or Discharge of any such former Proprietor, after such Assignment, or Transferring, as aforesaid, shall any way operate to the Prejudice, or Damage of the Party or Parties, to whom the same shall be, as aforesaid, Assigned, or Transferred; but that the Assignee or Transferee, Assignees or Transferees, his, or their Executors, Administrators, or Assignes, who have, or hath the Right or Interest in the said Bond or Bill, shall have the Warrant of Execution in his, or their own Name or Names, in as large, ample, and beneficial manner, as if the said Bond or Bill, had been at first made to him or them; Any Law, or Custom to the contrary notwithstanding.

Provided always, That the Transferring, or Assigning of such Bond or Bill, shall not any way Extend, or be Construed to Extend, to oblige the Person or Persons, or Goods and Chattles of the Party, or Parties so Transferring; any thing in this Act, or any other Custom or Law, to the contrary hereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That in case any Person or Persons, shall presume to Forge, or Counterfeit any Justice of the Peace's Hand or Seal, to any such Bond or Bill, or the Hand and Seal of Office, of any such Register, or his Deputy or Deputies, to any such Warrant of Execution, or to any Indorsements, by such Register, or his Deputy or Deputies made, Certifying that such Bond, or Bill, was Registred according to, or in pursuance of this Act, such Person or Persons so Offending, and thereof duly Convict, shall suffer such Pains, Penalties, and Forfeitures, as a Felon, without Benefit of Clergy.

And for the better preventing of all Partial, and Unfair Practices, by any Sheriff, Coroner, Bailiff, Seneschal, Steward, or High-Constable, in the Execution of this Act, or any part thereof;

Be it Enacted by the Authority aforesaid, That it shall, and may be lawful, to and for the Justices of Assize in their several Circuits and Ridings, at their General Assizes, and to, and for the Justices of the Peace, at their General Quarter-Sessions, in their respective Counties, where such Partial or Unfair Practices, shall be by them, or any of them committed or done: And they are respectively hereby Required, upon Complaint thereof, to cause the Party or Parties Offending, as aforesaid, to be thereof Indicted; and in case the Party Offending shall not submit, he shall be with all reasonable speed Tried, and if Verdict shall pass against him, or in case he shall

submit,

ſubmit, That then the Judge or Judges of Aſſize, or Juſtices of the Peace, or major Part of them, ſhall, and may, by the Authority of this Act, and are hereby Required to lay ſuch Fine as to them reſpectively ſhall ſeem meet and reaſonable, not exceeding Ten Pounds, the ſame to be Levied within Thirty Days after ſuch Fine impoſed by Warrant of the ſaid Court reſpectively, where the ſaid Complaint ſhall be made, upon the Goods of the Perſon ſo Offending, and Convict, as aforeſaid, without further Appeal, or Sute in Law or Equity.

Provided always, That in caſe the Perſon ſo Offending, ſhall within the ſaid Thirty Days, make Satisfaction to the Party or Parties grieved, and ſhall procure his or their Certificate, under his or their Hands and Seals, to that Effect and Purpoſe, to the Clerk of the Crown, or Clerk of the Peace, reſpectively Directed, who is to Iſſue ſuch Warrant, as aforeſaid; that then, and in ſuch Caſe, the ſaid Clerk of the Crown, or Clerk of the Peace, reſpectively directed, who is to Iſſue ſuch Warrant, as aforeſaid; that then, and in ſuch Caſe the ſaid Clerk of the Crown, or Clerk of the Peace reſpectively, are hereby Required to make ſtay of ſuch Warrants, till the next Aſſizes, or next Quarter-Seſſions reſpectively; at which Time it ſhall and may be lawful, to, and for the Judge or Judges of Aſſize, or Juſtices of the Peace, or major Part of them, upon Application to them reſpectively, at their General Aſſizes, or General Quarter-Seſſions in open Court, the Party or Parties injured, being firſt ſatisfied, as aforeſaid, to reduce ſuch Fine or Fines according to his or their reſpective Diſcretion or Diſcretions.

And be it further Enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons, as aforeſaid, Taken in Execution by any ſuch Warrant of Execution, in purſuance of this Act, ſhall Dye in Execution, the Debt ſhall not be Diſcharged thereby, but be lyable to be Levied, and Raiſed in manner as aforeſaid, by Warrant of Execution, upon his or their Goods and Chattles Perſonal, wherever they may be found in this Kingdom. And to the end, Exaction, or Extortion of Fees for, or concerning the Execution of this Act may be prevented;

Be it further Enacted by the Authority aforeſaid, That the Regiſter's Fees, for Entring the ſaid Bond or Bill, and Certifying the ſame, ſhall be Six Pence, and no more; And for Iſſuing a Warrant of Execution, one Shilling, and no more; And for Entring of a Diſcharge of the ſaid Bond or Bill, Three Pence and no more; And for Entring each Tranſfer, if deſired, Two Pence and no more; And that the Fees of the ſaid Sheriff, Coroner, Bailiff, Seneſchal, Steward, or High-Conſtable for the taking of the ſaid Obligor, or for taking of his Goods and

Chattles on the ſaid Warrant of Execution, ſhall be One Shilling, and no more; and to the Appraiſer, or Appraiſers of ſuch Goods and Chattles Perſonal, Six Pence in the Pound, and no more; And to ſuch Officer or Officers, to whom the Cuſtody of the ſaid Perſon in Execution ſhall be Committed, Six Pence in the Pound, and no more.

And be it further Enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons, ſhall corruptly take, or make any Falſe Oath, or Suborn, or Procure any Perſon or Perſons, corruptly to make ſuch Falſe Oath, for any Matter or Thing relating to this Act, ſuch Perſon or Perſons, corruptly making ſuch Falſe Oath, or procuring ſuch Falſe Oath, corruptly to be made, being thereof lawfully Convict, ſhall for every ſuch Offence, Incur and Suffer ſuch, and the like Pains and Penalties, as are mentioned and preſcribed, to be inflicted on Perſons Offending in Caſes of Perjury, and Subornation, by One Act made in this Kingdom, in the Eighteenth Year of the Reign of the late Queen Elizabeth, of ever Glorious Memory, Intituled, An Act concerning wilful Perjury.

And for preventing of the Abuſes or Irregular Proceedings which may be otherwiſe committed or done by Regiſters, or their Deputies in the Execution of this Act;

Be it Enacted by the Authority aforeſaid, That every Regiſter, or his Deputy, or Deputies, of any County, or County of a City, or County of a Town, within this Kingdom, ſhall, and are hereby Required, to deliver to the Clerk of the Peace, at every Quarter-Seſſions, and to the Juſtice of the Peace, who is Chairman at ſuch Quarter-Seſſions, and to each of them, a Book fairly Drawn, and Signed by ſuch Regiſter, or his Deputy, which ſhall be a true Copy of all Entries made ſince the former Seſſions; in which Books, the ſaid Clerk of the Peace, and Juſtice of the Peace, ſhall enter reſpectively, ſuch Rules, Orders, and Proceedings, as ſhall be made at that Quarter-Seſſions, and in open Court ſhall cauſe the ſaid Regiſter to Read over his Book, Comparing it with the ſaid Clerk of the Peace's Book, and the ſaid Juſtice's Book, and making them all to Agree; which being done, the ſaid Juſtice of the Peace, Regiſter, or His Deputy, and the Clerk of the Peace, ſhall all of them in open Court, in the preſence of the Juſtices, compoſing the ſaid Court, Sign their reſpective Names in each Book, and then the ſaid Juſtices of the Peace, ſhall keep One of them, the Regiſter Another, and the Clerk of the Peace the Third, which ſaid Books, or Two of them at leaſt, ſhall be from Seſſion to Seſſion, brought into Court by the reſpective Perſons aforeſaid.

CHAP.

Anno Regni Decimo Gulielmi Tertii.

CHAP. I.

An ACT for the Relief and Releaſe of Poor Diſtreſſed Priſoners for Debt or Damages.

CHAP. II.

An ACT for Reforming Abuſes in making of Butter-Cask, and preventing of falſe Packing of Butter.

FORASMUCH as Butter is one of the principal Commodities of the Product of this Kingdom, and is not only of an Univerſal Uſe and Expence at Home, but very great Quantities thereof are Tranſported beyond the Seas.

And whereas by cuſtom, every Barrel of Butter ought to Weigh Two Hundred Sixty Four Pounds Groſs, at the leaſt; that is to ſay, Two Hundred Twenty Four Pounds of Neat Butter, and the Cask not to exceed in Weight Forty Pounds. Every Three Quarter Barrel ought to Weigh One Hundred Ninety Eight Pounds Groſs, (viz.) One Hundred Sixty Eight Pounds of Good and Merchantable Butter, Neat, and the Cask not to exceed in Weight Thirty Pounds. Every Half-Barrel of Butter ought to Weigh, One Hundred Thirty Two Pounds (viz.) One Hundred and Twelve Pounds of Good and Merchantable Butter, Neat, and the Cask not to exceed in Weight Twenty Pounds. And every Firkin of Butter ought to Weigh Sixty Six Pounds (viz.) Fifty Six Pounds of Good and Merchantable Butter, Neat, and the Cask not to exceed Ten Pounds.

And whereas great Complaint hath been made by the Merchants and Traders in Butter, That by the Fraudulent Dealing and Practices of Coopers, in making the Cask for Package of Butter, of unſeaſoned Timber, and of ſeveral Farmers, Owners and Packers of Butter, who by their Irregular manner of Weighing with

Stones, and other unwarrantable Weights, and Packing their Butter in Cask Weighing more than they ought to do, not only being a great dishonour to this Nation, in the Parts beyond the Seas; but also, the said Commodity is brought in great Dis-repute Abroad, whereby it Yields not that Price, nor is Vended there in such Quantities as otherwise it would. For prevention whereof, May it please Your Majesty, that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty fifth Day of March, which will be in the Year of Our Lord God, One thousand six hundred ninety eight, no Cooper nor other Person whatsoever in this Kingdom of Ireland, shall hereafter at any time presume to make, or cause to be made, any Butter-Cask whatsoever for Sale, but such only as shall be made of sound, dry, and well seasoned Timber, according to the several Gages and Weights herein after mentioned, and known by the several Names following, (that is to say) the Firkin, Half-Barrel, Three Quarter-Barrel, and Barrel. And that every Firkin, do, and shall contain Two Quarters of an Hundred, at Five Score and Twelve Pounds to the Hundred, Neat, besides the Tare of the Cask, and not less, of Good and Merchantable Butter, and that Cask not to Weigh above Ten Pounds, and to contain and hold Seven Gallons: And every Half-Barrel, do, and shall contain One Hundred Weight, Neat, at Five Score and Twelve Pounds to the Hundred, and not less, of Good and Merchantable Butter, besides the Weight of the Cask, and the Cask not to Weigh above Twenty Pounds, and to Measure Fourteen Gallons: Every Three Quarter-Barrel, do, and shall contain One Hundred and Two Quarters Neat, at Five Score and Twelve Pounds to the Hundred, besides the Weight of the Cask, and not less, of Good and Merchantable Butter, and the Cask not to Weigh above Thirty Pounds, and to Measure Twenty One Gallons: And every Barrel, do, and shall contain Two Hundred Weight, Neat, at Five Score and Twelve Pounds to the Hundred, besides the Weight of the Cask, and not less, of Good and Merchantable Butter, and the Cask not to Weigh above Forty Pounds, and to Measure Twenty Eight Gallons. And that every such Cask, hereafter to be made, shall be made with Three Hoops on each Quarter, to be set on with Twigs, or sufficiently Notched, and have Two Heads to be put into Riggles, and made tight, so as to hold Pickle, and that no Cap-Heads be hereafter made for any such Cask

to

to be Exposed to Sale as aforesaid. And for the better discovery of all Frauds or Abuses which shall be committed against this Act,

Be it further Enacted by the Authority aforesaid, That every Cooper or other Person making Cask for putting Butter in, as aforesaid, shall set upon every Firkin, Half-Barrel, Three Quarter-Barrel, and Barrel so made of seasoned Timber, as aforesaid, a Mark with the First Letter of his and their Christian Name, and his and their Sir-Name at length, with an Iron Brand, with a Mark for the City, Town, Village or Parish wherein he lives, and that every Farmer, and other Person or Persons hereafter at any time Packing up Butter, or Exposing the same to Sale, shall from and after the said Twenty Fifth Day of March, One thousand six hundred ninety eight, Pack up his Butter in such sufficient Cask, made of sound, dry, and well-seasoned Timber, and Marked as aforesaid, and in none other, and shall set upon every such Firkin and Cask, when the same is fully and throughly seasoned, by filling such Cask with Water, and not to be put standing in Water; and when the same is filled with Butter, the first Letter of his and their Christian Name, and his and their Sir-Name at length, with an Iron-Brand; and if the said Cooper or Farmer, or other Person or Persons whatsoever, making Cask or packing up Butter, or exposing the same to Sale as aforesaid, shall at any time from and after the said Twenty Fifth Day of March, One thousand six hundred ninety eight, Offend, by omitting to do what he or they are required by this Act to do and perform, he or they so Offending, and being Convicted upon Oath of the said Offence, before one or more of His Majesty's Justices of the Peace, or Chief Magistrate of any Corporation, by one or more Witness or Witnesses, which Oath the said Justice or Justices, or Chief Magistrate are hereby Impowered, and are Required to Administer, or upon Confession of the Offender or Offenders before such Justice or Justices, or Chief Magistrate, the said Party or Parties so Offending, shall Forfeit for every such Offence, to the Use of the Poor of the Parish where such Offence shall be committed, the Sum of Ten Shillings for every Hundred Weight of Butter, and so proportionably for every greater or lesser Quantity that shall be in every such Cask, to be Levied, by Distress and Sale of the Offenders Goods and Chattles, the Overplus to be restored after all Charges of the said Distress defrayed: And every Constable of the Parish, or Chief Constable of the Barony where such Offence shall be committed, are hereby Authorized and Required to Levy the same accordingly, by Warrant under the Hand and Seal of such Justice or Justices, or

Chief Magiſtrate, ſo to do; and in caſe ſuch Offender or Offenders ſhall not have Goods and Chattles ſufficient for the Levying the ſaid Penalty, that then it ſhall and may be Lawful for the Juſtice or Juſtices, or Chief Magiſtrate before whom ſuch Conviction ſhall be made, by Warrant under their Hand and Seal, to appoint ſuch Offender or Offenders, to be Publickly ſet in the Stocks for the ſpace of Two Hours.

And be it further Enacted by the Authority aforeſaid, That all Goods and Merchandizes of the Growth and Manufacture of this Kingdom, uſually Sold by the Hundred Weight, ſhall from and after the ſaid Twenty Fifth Day of March, One thouſand ſix hundred ninety eight, be Bought and Sold at Five Score and Twelve Pounds to the Hundred Weight, and no more upon pain of Forfeiture of the Sum of Ten Shillings, for Buying and Selling any Goods and Merchandizes, contrary to the true Intent and Meaning of this Act.

And be it further Enacted by the Authority aforeſaid, That if any Action or Suite ſhall be Commenced or Brought againſt any Juſtice or Juſtices of the Peace, or Chief Magiſtrate, Conſtable or other Perſon whatſoever, for doing or cauſing to be done, any thing in purſuance of this Act concerning the ſaid Offences; the Defendant or Defendants in ſuch Action, ſhall and may Plead the General Iſſue, and give the ſpecial Matter in Evidence; And if upon ſuch Action, Verdict be given for the Defendant or Defendants, or if the Plaintiff become Non-Suite, or Diſcontinue his Action, then the Defendant or Defendants ſhall have Treble Coſts.

Provided always, and it is hereby Enacted by the Authority aforeſaid, That no Perſon ſhall be Proſecuted or Troubled for any Offence done againſt this Statute, unleſs the ſame be Proved, or Proſecuted within the ſpace of Three Months next after the Offence committed.

And whereas in an Act paſſed this preſent Seſſion of Parliament, Intituled, An Act for Granting an Additional Duty on Tobacco, and for continuing unto His Majeſty an Aid or Additional Cuſtom on ſeveral Goods and Merchandizes; and alſo for continuing the Additional Duty on Beer and Ale, and other Liquors, till the Twenty Fifth of *December*, One thouſand ſeven hundred and two, it is among other things Enacted as follows; That is to ſay,

Be it further Enacted by the Authority aforeſaid, That all Tobacco, Muſlin, Callicoes, and all ſorts of Linnen, Scotch Cloth and Wines, except Wines of the Growth of Spain, and of the Dominions thereunto belonging, that ſhall be Imported into this Kingdom at any time, from and after the Four and Twentieth Day of December, One thouſand ſix hundred ninety nine, unto the Five and

Twentieth

Twentieth of December, which ſhall be in the Year, One ſeven hundred and two, and no longer, ſhall Anſwer and Pay unto His Majeſty, His Heirs and Succeſſors, over and above all Rates and Duties Due, or Payable for, or out of the ſame, by Vertue of any former or other Law in this Kingdom, &c. In which Clauſe the Word Thouſand is omitted, after the Word One, and before the Word Seven hundred and two, whereby ſome Doubt may hereafter ariſe; Whether the ſaid Duties on Tobacco, Muſlin, Callicoes, Linnen, Scotch Cloth and Wines, Imported after the Twenty Fourth of December, One thouſand ſix hundred ninety nine, unto the Twenty Fifth of December, One thouſand ſeven hundred and two, may be Demanded or ought to be Received. For the Removing therefore of the ſaid Doubt, and Explaining the ſaid Act in that particular,

Be it Declared and Enacted by the Authority aforeſaid, That the ſaid Act ſhall at all times hereafter be conſtrued and taken in the ſame, and no other ſenſe or meaning, than as if the Word Thouſand had not been omitted, between the Words before mentioned; and that the Duties and Additional Duties, by the ſaid before Recited Act, intended to be Granted for, and out of Tobacco, Muſlin, Callicoes, Linnen, Scotch Cloth and Wines, aforeſaid, Imported into this Kingdom, from the Twenty Fourth of December, One thouſand ſix hundred ninety nine, ſhall be Demandable by, and Payable to His Majeſty, out of all ſuch Goods and Commodities to be Imported into this Kingdom, from the ſaid Twenty Fourth of December, One thouſand ſix hundred ninety nine, to the Twenty Fifth of December, One thouſand ſeven hundred and two, and no longer, in the ſame manner as if the Word Thouſand had not been omitted in the ſaid former Act, but the ſame had been in the following Words, One thouſand ſeven hundred and two.

CHAP. III.

An ACT for Raiſing the Sum of One Hundred and Twenty Thouſand Pounds on all Lands, Tenements and Hereditaments in this Kingdom.

CHAP. IV.

An ACT to compleat the Supply to His Majesty, and to Build and Finish the Barracks in this Kingdom.

WE Your Majesty's Most Obedient and Dutiful Subjects, the Commons in Parliament Assembled, in Addition to the former Aids given unto Your Majesty, for the Defraying the Publick Expence of this Kingdom, and also for Building a sufficient Number of Barracks therein, in Addition to the Barracks and Redoubts already Built or Begun; have Granted unto Your Majesty the Additional Duties hereafter mentioned, on the Goods herein after expressed; And do beseech Your Majesty that it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That an Additional Duty of One Penny per Pound be Raised and Levied upon all Tobacco that shall be Imported into this Kingdom, from and after the Twenty Fourth Day of December, One thousand six hundred ninety eight, until the Twenty Fifth Day of December, which will be in the Year of Our Lord One thousand seven hundred and two,: The said Additional Duty of One Penny per Pound on all Tobacco as aforesaid, to be Raised and Paid over and above all Rates and Duties, Due or Payable for, or out of the same, by Vertue of any former or other Law in this Kingdom.

And whereas it is found necessary to answer the Ends aforesaid, That the Additional Rates and Duties Granted to His Majesty on Tobacco by several Acts made in this present Parliament; and the Penny per Pound Granted by this Act, shall be continued till the Twenty Fourth Day of June, One thousand seven hundred and three.

Be it further Enacted by the Authority aforesaid, That all Tobacco that shall be Imported into this Kingdom at any time from and after the Twenty Fifth Day of December, which will be in the Year of Our Lord, One thousand seven hundred and two, until the said Twenty Fourth Day of June, which will be in the Year of our Lord One thousand seven hundred and three, shall Answer and Pay unto His Majesty, His Heirs and Successors, the Additional Duty of Three Pence Half-Penny

for

for each Pound Weight of Tobacco to be Imported into this Kingdom, from the Twenty Fifth of December, One thousand seven hundred and two, to the Twenty fourth Day of June, One thousand seven hundred and three, over and above the Duty of Two pence Half-penny per Pound, Payable to His Majesty, out of each Pound Weight of Imported Tobacco, by Vertue of the Laws and Statutes in Force in this Kingdom before the Commencement of this present Parliament, so as during the time aforesaid, between the said Twenty Fifth Day of December, One thousand seven hundred and two, and the said Twenty Fourth Day of June, One thousand seven hundred and three, and no longer, all Tobacco Imported shall by Vertue of this Act, Pay Three pence Half-penny for each Pound Weight over and above the Hereditary Revenue Due to the Crown out of Tobacco Imported, and each Pound of Tobacco Imported between the Twenty Fifth Day of December, One thousand six hundred ninety eight, and the Twenty Fourth of June, One thousand seven hundred and three, shall by Vertue of this Act and all other Laws in Force in this Kingdom, Pay in the whole, the Duty of Six Pence per Pound, during the time aforesaid, and no more, or greater Duty; which said several Duties of One Penny per Pound, and Three Pence Half-penny per Pound, shall and may be Raised, Collected, Levied and Paid unto His Majesty, His Heirs and Successors, during the Respective times aforesaid, at the like times, and in the same Manner and Place, and by such Rules, Ways and Means, and under such Penalties and Forfeitures as are Mentioned, Appointed and Expressed in and by one Act of Parliament made in a Session of Parliament which began the Seventeenth Day of April, in the Fourteenth Year of the Reign of the late King Charles the Second, Intituled, An Act for Settling the Excise or New Impost upon the said late King *Charles* the Second, His Heirs and Successors, according to the Book of Rates in the said Act Inserted, for Levying and Collecting the several Rates and Duties Granted and Imposed by the said Act.

Provided always, and be it further Enacted by the Authority aforesaid, That the Merchant or other Importer of any Tobacco so charged as aforesaid, with the said Additional Duty of One Penny per Pound Weight, from the said Twenty Fourth Day of December, One thousand six hundred ninety and eight, until the said Twenty Fifth Day of December, One thousand seven hundred and two, and with the said Additional Duty of Three Pence Half-penny per Pound Weight, from the said Twenty Fifth Day of December, One thousand seven hundred and two, until the said Twenty Fourth Day of June, One thousand seven hundred and Three, shall have

like time for Payment of such Additional Duty and Duties, as they had or ought to have for Payment of the Duty laid on Tobacco, by Vertue of the above-named Act of Excise or New Impost, any thing herein contained to the contrary notwithstanding.

CHAP. V.

An ACT for laying an Additional Duty upon Woollen Manufactures Exported out of this Kingdom.

WE Your Majesty's Most Dutiful and Loyal Subjects, the Commons in Parliament Assembled, being sensible of the great Expence Your Majesty hath been, and still continues at, for Defence of this Your Kingdom in Peace and Safety, from the Contrivances of Your Majesty's and it's Enemies; In Grateful acknowledgment of Your Majesty's Royal Care, Favour and Protection, and the better to Enable Your Majesty to provide for the future Safety of Your Liege People, Do humbly beseech Your Majesty, That it may be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That from and after the Five and Twentieth Day of March, which shall be in the Year of Our Lord, One thousand six hundred ninety nine, the several Additional Rates and Charges hereafter mentioned, shall be Set, Laid, and Imposed, and are hereby Set, Laid, and Imposed, and shall be Had, Levied, Demanded, Collected, Received, Recovered and Paid, in and throughout the Realm of Ireland, upon the Commodities, Merchandizes and Manufactures hereafter particularly mentioned, that shall be Exported out of the same, after the Five and Twentieth Day of March, One thousand six hundred ninety nine, and before the Five and Twentieth Day of March, which shall be in the Year of Our Lord, One thousand seven hundred and two, over and above all Rates, Taxes, Payments and Duties whatsoever, which are already Due or Payable thereout, or for the same (that is to say) for all Broad Cloth that shall be Exported out of this Kingdom, of the Manufacture of the same; for every Twenty Shillings in Value of the said Broad-Cloth, the Sum of Four Shillings; and for all Serges, Bays, Kersies, Perpetuanus, Stuffs, or any other sort of New Drapery made of Wool, or mixed with Wool (Frizes only excepted)

that

that ſhall be Exported out of this Kingdom, for every Twenty Shillings in Value of any of the ſaid ſorts of New Drapery, the Sum of Two Shillings; All which ſaid Duties, every Cuſtomer or Collector for the time being, ſhall Levy and Receive, according to the true Value and Price of ſuch Goods, which ſhall be Aſcertained by the ſame Ways and Methods, as by an Act made in the Fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling the Subſidy of Poundage, and Granting a Subſidy of Tunnage and other Sums of Money unto His Royal Majeſty, His Heirs and Succeſſors, the ſame to be Paid upon Merchandizes Imported and Exported, into or out of this Kingdom of *Ireland*, according to a Book of Rates hereunto Annexed, are appointed for aſcertaining the Value of all Merchandizes, which are Taxed to Pay any Duty *Ad valorem*, not particularly mentioned in the Book of Rates, to the ſaid Act Annexed.

And all the ſaid ſeveral Duties ſhall likewiſe be Collected, Levied and Paid during the time aforeſaid, by ſuch Perſons at ſuch times, in the ſame Manner and Form, and under ſuch Regulations, Penalties and Forfeitures, as the Duties Payable by the before-mentioned Act are Enacted to be Collected, Levied and Paid.

CHAP. VI.

An ACT to Encourage Building of Houſes, and making other Improvements on Church-Lands, and to prevent Dilapidations.

FORASMUCH as the Manſion-Houſes of ſeveral Archbiſhops, Biſhops, and other Eccleſiaſtical Perſons, have been Ruined and Deſtroyed by the frequent Wars and Rebellions that have happened in this Kingdom, whereby Reſidence is become very difficult, and is like to continue ſo, unleſs due Encouragement be given them to Re-build and Repair their former Houſes, and to Erect New Houſes where it ſhall be convenient, and to keep them in good Repair after they are Built.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, that every Archbiſhop, Biſhop, or other Eccleſiaſtical Perſon whatſoever, that heretofore did ſince the Year One thouſand ſix hundred and ninety, or ſhall hereafter at any time Make, Build, Erect, Add to, or Repair any Houſe, Out-Houſe, Garden, Orchard, or any other

neceſſary Improvement on his Demeaſne, Glebe or Menſal Land, or in any other Lands in his Poſſeſſion, belonging to his See or Church, that ſhall be Certified in the manner hereafter mentioned in like Caſes, to be fit and convenient for the Reſidence and Habitation of him and his Succeſſors which from thenceforth ſhall be deemed and taken to be part of the Demeaſne, Glebe or Menſal Land of ſuch See, Dignity or Benefit, ſhall have and receive from his next and immediate Succeſſor, his Executors or Adminiſtrators reſpectively, Two Thirds of the Sum or Sums really and truly Expended and Laid out in ſuch Buildings, Additions, Repairs and Improvements, (neceſſary Annual Reparations only excepted) which Sum or Sums ſhall be finally Settled and Aſcertained, by Certificate under the Hand and Seal of the Chief Governor or Governors for the Time being, in the Caſe of an Archbiſhop, and of the Archbiſhop of the Province, in the Caſe of a Biſhop, and by like Certificate of the Biſhop of the reſpective Dioceſs in all other Caſes, and ſuch Succeſſor, as aforeſaid, having Paid the Two Thirds of the Sum or Sums certified, as aforeſaid, ſhall and may receive One Moiety thereof; that is, One Third of his firſt Diſburſement from his next Succeſſor; which ſaid Sums ſhall be Paid in all Caſes of Removal or Tranſlation, by Four equal Half-Yearly Payments, to be accounted from ſuch Removal or Tranſlation; and in Caſe of Death, by Two equal Half-Yearly Payments, to be accounted from the Day of ſuch Death, and ſhall and may be recovered by the Party who ought to Receive the ſame, his Executors or Adminiſtrators, either by Diſtreſs on any of the Lands or Tenements of ſuch Archbiſhoprick, Biſhoprick, Living or Benefice, belonging to the Succeſſor hereby obliged to Pay the ſame, or by Sequeſtration of one Moyety of the Rents and Profits of ſuch See or Benefice, which Sequeſtration is to be made and Granted by the Chief Governor or Governors of this Kingdom for the time being, in Caſe of an Archbiſhop, and by the Archbiſhop of the Province in Caſe of a Biſhop, and by the Biſhop of the Dioceſs in all other Caſes; who are hereby reſpectively required to Make and Grant the ſame, or by Action of Debt in any of His Majeſty's Courts of Record in this Kingdom, at the Election of the Party who Sues for the ſame. And becauſe it may happen, that more convenient Houſes, or more commodious Situations, may be found for the Reſidence of ſome Archbiſhops, Biſhops, and other Eccleſiaſtical Perſons, than do yet belong to them.

Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for any Archbiſhop, by and with the Approbation of the Chief Governor or Governors

Governors of this Kingdom for the time being; and for any Bishop, by and with the Approbation of the Archbishop of his Province; and for any other Ecclesiastical Person, by and with the Consent of the Bishop of his Diocels, Certified in Writing under their respective Hands and Seals, to Purchase to them and their Successors respectively, within their respective Diocels, Houses already Built, with Conveniencies thereunto belonging, or Lands and Tenements fit for such Buildings and Conveniencies, for the Habitation and Residence of them and their Successors for ever, thencefoorth to be part of their Demeasne, Glebe or Mensal Land respectively Unalienable, and not to be Let or Disposed of to any other Use whatsoever; and that the Purchase Money for the same, and the Charges and Expence of Buildings, Additions and Repairs as aforesaid, being Ascertained and Certified as aforesaid, shall be Repaid as to Two Thirds thereof, by the next immediate Successor, who shall have and Receive from his next Successor, One Moyety or half of what he Pays in like Manner, and with like Remedy as aforesaid.

And that it shall and may be Lawful, to, and for Thomas Lord Bishop of Limerick, to convey his Dwelling-House in Limerick; with the Appurtenances, to the use of him and his Successors, Bishops of Limerick; and that in such Case he shall be Paid for his Disbursements, in Purchasing, Building, Improving and Repairing the same, being First Certified and Ascertained as aforesaid, as to Two Thirds thereof, by his next immediate Successor, who shall likewise have One Moyety, or Half of his Payment from his next Successor in like manner, and with like remedy as aforesaid.

Provided nevertheless, and be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Lord Bishop of Elphin, for the time being to Remove the Timber and other Materials from Elphin, to any other parts of the Lands belonging to that See within his Diocels, and in his possession, where he or they with the Approbation of the Archbishop of the Province, Certified in Writing under his Hand and Seal shall think fit, to Build a Manse House for the Bishop of that See, pursuant to this Act; and that part of the Lands of Magherilin, Killoglan, Ballymagin and Carrick Mac Gingan, lying and being in the County of Down, and Diocels of Dromore, containing about Fifty Five Irish Acres belonging to the said See, and now in possession of Tobias Lord Bishop thereof, and by him purchased from the former Lessees, and the House Built thereon by him, with the Out-Houses and Appurtenances, be ever hereafter added to the Demeasnes of the said Bishoprick of Dromore, and be for ever Deemed, Reputed and Taken to be the Manse

House, and part of the Mensal Lands of that See; and that the said Tobias Lord Bishop of Dromore, his Executors, and Administrators, shall be Re-paid Two Third parts of the Charge of Purchasing the said Leases, and Making and Erecting the Buildings, Plantations and Improvements thereon, the same being First Ascertained by Certificate of the Archbishop of the Province, under his Hand and Seal as aforesaid, by his next and immediate Successor; who shall likewise receive one Moiety thereof from his next Successor, in like Manner and with like Remedy as aforesaid.

And for preventing Dilapidations for the future; Be it Enacted by the Authority aforesaid, That if any Archbishop, Bishop or other Ecclesiastical Person whatsoever, shall Suffer or Permit his or their Mansion House, or any or either of them, or any of the Buildings, Out-Houses, Gardens, Orchards, or other Improvements that now are, or hereafter shall be Built, Made or Erected, on their respective Demeasnes, Glebes, or Mensal Lands to Decay, go to Ruin, or be out of Repair; that then his next and immediate Successor or Successors, shall and may Commence his or their Sute in the Ecclesiastical Court, against such Archbishop, Bishop, or other Ecclesiastical Person, his or their Executors or Administrators, and have the full Benefit of the Ecclesiastical Laws now in Force in this Kingdom in that behalf; or at his or their Election, may Recover by Action of Debt against such Archbishop, Bishop, or other Ecclesiastical Person, his or their Executors or Administrators, in any of his Majesty's Courts of Record at Dublin, such Sum or Sums as shall be sufficient to put such Houses and Improvements in such good Repair as they were in at any time during the Incumbency of his or their Predecessor, so Suffering or Permitting the same to go to Ruin and Decay; which Sum or Sums of Money so Recovered, Levied and Paid to such Successor or Successors, shall forthwith be laid out, and Expended in the Amendment and Reparation of the respective Houses and Improvements, for the which the same shall be Recovered as aforesaid, and in default thereof by the Space of Six Months after Recovery and Payment as aforesaid, the Archbishoprick, Bishoprick, or other Ecclesiastical Living, or Benefice of such Ecclesiastical Person, shall be Sequestred in such Manner and by such Persons as is before herein expressed, until such Ecclesiastical Person shall Expend and Lay out all such Sums so Recovered and Paid as aforesaid, in the Reparation and Amendment of their respective Houses and Improvements as aforesaid: And if the Archbishop, Bishop, or other Ecclesiastical Person so Recovering as aforesaid, shall happen to Dye before the Sum Recovered and Paid to him, be

Laid

laid out in Reparation and Amendment, as aforesaid, that then his next and immediate Successor or Successors, shall and may recover from the Executors and Administrators of the Person so Dying, double the Sum so Recovered and Paid, as aforesaid, by Action of Debt, in any of His Majesty's Courts of Record at Dublin; unless such Executors or Administrators, shall, and do Voluntarily and without Sute, Pay the same to such Successor or Successors, who is to Expend and Lay out the same in Manner aforesaid, and under the like Penalties and Forfeitures as aforesaid. And if any Archbishop, Bishop, or other Ecclesiastical Person, that already hath or hereafter shall suffer Dilapidations or Decay, in his Manse, House, or Improvements contrary to this Act, shall hereafter make any Deed, Devise, Conveyance, Grant, Lease, Bequest, colourable Sale or Gift (without full consideration) of his Personal Estate, or any part thereof, with intent to Defraud his Successor of the Remedy intended him by this Act; that all such Deeds, Devises, Conveyances, Grants, Leases, Bequests, Sales and Gifts, shall be Null and Void, and of none Effect, against such Successor or Successors, any former Act, Law, Matter or Thing, to the contrary notwithstanding.

Provided nevertheless, And it is hereby further Enacted by the Authority aforesaid, That from and after the First Day of January, One thousand six hundred ninety and eight, it shall not be Lawful for any Rector, Vicar, Curate or Incumbent, or other Ecclesiastical Person whatsoever, having a Glebe fit and convenient to be Built and Improved upon, for the Habitation and Residence of him and his Successors, or whereon a Manse House is already Built, or shall hereafter be Built, or which shall lye so near or contiguous to such House so Built or to be Built, as to be conveniently made use of with the same, to Alien, Set, Let or Demise such Glebe, or any part thereof, to any Person or Persons whatsoever, for any longer Term or Time than One Year from the making thereof, in Possession and not in Reversion; but that all Alienations and Leases, or Contracts, or Agreements for Leases of such Glebes, or any part thereof, for more than One Year, as aforesaid, shall be Null and Void to all intents and purposes whatsoever.

Provided always, and be it further Enacted by the Authority aforesaid, That all and singular the Certificate and Certificates by this Act required to be made, in the several Cases before mentioned, shall be Entred at large in the publick Registry of such Dioces to which the same relate, before any Benefit or Advantage be made thereof; and that the Exemplification of such Certificate or Cer-

tificates ſo Regiſtred and Entred as aforeſaid, under the Hand and Seal of the Archbiſhop or Biſhop of the ſaid Dioceſs, ſhall be as good and effectual in the Law, to all the intents and purpoſes of this Act, to be produced at any Tryal at Law or otherwiſe, as the Original would have been, in Caſe the ſaid Original ſhall at any time happen to be Loſt or Miſ-laid, or ſo Detained, that the Party concerned cannot have the ſame to produce and make uſe of as aforeſaid.

And whereas the antient Pariſh-Church of the Pariſh of Kiltohorke, in the Barony of Leitrim, in the County of Leitrim, is Situated in the moſt Uninhabited part of the ſaid Pariſh, Remote from any of the Proteſtant Inhabitants of the ſaid Pariſh.

And whereas Carrick-Drumruske in the ſaid Pariſh and Barony, is an Engliſh Corporation, and wholly Inhabited by Proteſtants, and is therefore convenient for the Situation of the ſaid Pariſh Church.

Be it therefore further Enacted by the Authority aforeſaid, That the ſaid Pariſh-Church ſhall and may be Built at the Charges of the ſaid Pariſh, in the Town of Carrick-Drumruske aforeſaid, in ſome convenient place in the ſaid Town, to be ſet apart for that purpoſe by Sir George St. George of Hedford, Baronet; and that the ſaid Church ſo to be Built, and no other, ſhall from the time of its being ſo Built, be, and be deemed to be the Pariſh-Church of the ſaid Pariſh of Kiltohorke, to all intents and purpoſes, and the Land to be ſet apart for the ſaid Church, and Church-Yard thereof, ſhall belong and appertain for ever to the ſaid Church, Freed and Diſcharged of and from all Claims, Demands and Eſtates of the ſaid Sir George St. George, and of any Perſon or Perſons whatſoever, Claiming or Deriving from, by, or under him the ſaid Sir George St. George, or under Sir Oliver St. George late of Hedford, Baronet, Deceaſed.

CHAP. VII.

An ACT for Confirming Eſtates and Poſſeſſions, Held and Enjoyed under the Acts of Settlement and Explanation.

WHEREAS by an Act of Parliament made in this Kingdom, in the Seventeenth Year of the Reign of the late King Charles the Second, Intituled, An Act for the

the Explaining of ſome Doubts ariſing upon an Act, **Intituled,** An Act for the better Execution of His Majeſty's Gracious Declaration, for the Settlement of His Kingdom of *Ireland*, and Satisfaction of the ſeveral Intereſts of Adventurers, Soldiers, and other His Subjects there. **And for making ſome Alterations of, and Additions unto the ſaid Act, for the more ſpeedy and effectual Settlement of the ſaid Kingdom; it is among other things Enacted in theſe Words following.**

And be it further Enacted by the Authority aforeſaid, That the Fifty Four Perſons herein after Named (that is to ſay) **the Earl of** Weſtmeath, **the Lord Viſcount** Ikerin, **the Lord Baron of** Dunboyne, **the Lord Baron of** Trembleſtown, **the Lord Baron of** Upper-Oſſory, **the Lord** Birmingham **Baron of** Athenree, **Colonel** Richard Butler, **Sir** Richard Barnwall, **Baronet, Sir** Redmond Everard **Baronet, Sir** Dermott O Shaghnaſſey **Knight, Maſter** Edmond Fitz Gerald **of** Ballymalo, **Maſter** Thomas Butler **of** Killconnell, **Maſter** Macnemarra **of** Crevagh, **Maſter** David Power **of** Killbolane, **Maſter** Donogh ô Callaghane **of** Clonemeene, **Maſter** Bernard Talbott **of** Rathdowne, Conly Geoghegan **of** Donore, **who are mentioned amongſt the Thirty Eight Perſons in His Majeſty's late Gracious Declaration, and were reſtored after Reprizals ſet out, and for whom no Proviſion hath yet been made: And alſo the Heirs of Sir** Lucas Dillon **Knight, the Heirs of Sir** Valentine Blake **Baronet, Sir** Robert Talbott **Knight, Sir** Richard Blake **Knight, Doctor** Gerrald Fennel, Geffry Browne, John Browne **of the** Neale, John Walſh, Thomas Tirrell, Edmond Dillon, Francis Coghlan **of** Kilcolgan **in the King's County,** Robert Nugent **of** Gartlanſtowne, **Sir** John Burke **of** Derrymaclaghney, Thomas Arthur **Eſquire, Doctor in Phyſick,** Gerald Fleming, **of** Caſtle-Fleming, **and** Bartholomew Stackpole, **Eſquires, who were alſo mentioned in the ſaid former Act, to be reſtored to their former Eſtates as aforeſaid, and for whom no Proviſion hath yet been made. And alſo the Lord Baron of** Brittas, **Maſter** Tuite, **Son to** Andrew Boy Tuite **of** Cullanmore, **in the County of** Weſtmeath, **Eſquire, Maſter** Walſh, **Heir of** David Walſh **of** Ballybeaghan **in the County of** Tipperary, **Eſquire, Sir** Edmond Bourke **Baronet, Son to Sir** Ulicke Bourke **of** Glinske, **in the County of** Roſcommon, **Baronet, Deceaſed, Sir** Thomas Eſmond **Baronet, Sir** Lucas Dowdall **Knight, Son of** Lawrence Dowdall **of** Athlanney, **in the County of** Meath, **Eſquire: Maſter** Walſh **Heir of** Walter Walſh **of** Caſtlehoy, **in the County of** Kilkenny, **Eſquire,** Edward Wall **of** Ballynakill **in the County of** Catherlogh, **Eſquire, Maſter** Butler, **Son of** Theobald Butler, **Son of** James Butler **of** Berrylaſcan **in the County of** Tipperary, **Eſquire,** Philip Purcell **of** Ballyfoyle **in the County of** Kilkenny, **Eſquire: Sir** Edmond Fitz-Gerald **of** Clanliſh **in the County of** Limerick, **Baronet:** Pierce Walſh **of** Abbyowney

owney in the County of Limerick: John Power of Donile in the County of Waterford, Esquire: Pierce Power of Meneylargy in the County of Waterford, Esquire, William Brabazon, the Heir of Anthony Brabazon of Ballynaslow in the County of Roscommon, Esquire, Daniel ô Bryen of Duogh in the County of Clare, Esquire: Lord Viscount Iveagh, Sir Edward Fitz-Harris of Cloghnotefoy, in the County of Limerick, Baronet, John Cantwell of Mokerky, in the County of Tipperary, Esquire, and their Heirs and Assigns, shall by the Commissioners for Execution of this Act, be restored unto their several and respective Principal Seats (that is to say) unto their several and respective Principal Messuages, Houses or Castles (Kilmedan and the Lands thereunto belonging excepted) or in Case they have several Messuages, Houses or Castles, to such of their several Messuages, Houses, or Castles (Kilmedan and the Lands thereunto belonging excepted) as they shall respectively choose, within Two Months after the first Sitting of the Commissioners for Execution of this Act, and unto Two Thousand Acres of Land thereunto Adjoining; if they or any of them, their or any of their Ancestors, or any other in Trust for them, or any of them; or to their or any of their Use, were Seized or Possessed of so much upon the Two and Twentieth of October, One thousand six hundred forty and one, and were thereunto Lawfully and Rightfully Intitled: And in case they or any of them, their or any of their Ancestors, or any other in Trust for them, or any of them, or to their Use, were not Seized or Possessed upon the Two and Twentieth of October, One thousand six hundred forty one, of Two Thousand Acres as aforesaid, then unto so much thereof as they were Seized or Possessed of as aforesaid, and which lyes contiguous to their respective Principal Seats. And if any of the Four and Fifty Persons herein before Named, shall be found to be in Possession of any Messuage and Lands thereunto Adjoining; which to them or any of them did Rightfully belong, upon the said Two and Twentieth Day of October, One thousand six hundred forty one, and the Lands so Possessed shall be found to exceed the Quantity of Two Thousand Acres; it shall and may be Lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, and Council there for the time being; to cause so much thereof as shall exceed the Quantity of Two Thousand Acres, to be Retrenched and Cut off in such Way and Manner as they shall think fit; and the Land so Retrenched, shall Remain and be Vested in His Majesty, to the end that the same may be further Disposed to the Uses of this Act. And for the better Support of such of the Four and Fifty Persons herein before Named, who shall not have Two Thousand Acres near adjoining and lying contiguous unto his and their respective

reſpective Seats, to which they are to be reſtored; or having Two Thouſand Acres, ſhall not be thought to be thereby ſufficiently provided for.

It is further Declared and Enacted, That it ſhall and may be Lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, and Council there for the time being, upon due conſideration had of the ſeveral and reſpective Caſes and Merits of the Perſons aforeſaid, to direct and appoint the Commiſſioners for Execution of this Act, to Set out and Allot, or cauſe to be Set out and Allotted unto any of the Perſons aforeſaid, or their Heirs, ſo much of the Forfeited Lands which ſhall remain Undiſpoſed, after the ſeveral Proteſtant Intereſts herein before provided for, ſhall be ſatisfied, as the ſaid Lord Lieutenant or other Chief Governor or Governors and Council ſhall think fit.

And whereas Nicholas late Lord Viſcount Netterville of Lowth, Edmund late Lord Viſcount of Mount-garret, Sir Luke Bath, and ſeveral other Perſons, their or any of their Heirs or Aſſigns, are and may be Reſtorable after previous Reprizals by force or colour of ſome Clauſes in the ſaid Acts, or one of them.

And whereas by one other Clauſe in the ſaid Act of Explanation; it is likewiſe Enacted in the Words following,

And becauſe ſeveral Perſons have been Decreed Innocent, but nevertheleſs have not been Reſtored to the Lands which they claimed before the Commiſſioners for Execution of the ſaid former Act, but have been left to the Courſe of Law, for the Recovery of their Poſſeſſions, by trying their Titles, grounded upon the Validity of thoſe Evidences by which they pretended to Claim.

Be it therefore Enacted by the Authority aforeſaid, That all and every Perſon and Perſons, who were Defendant or Defendants in the Suit or Claim, upon which ſuch Decree was made as aforeſaid, and thoſe Claiming, by, from, or under them, ſhall within Three Months next after the Sitting of the Commiſſioners for Execution of this Act, Declare and Make his and their Election by Writing under his and their Hands and Seals, or under the Hands and Seals of his and their Attorneys or Agents thereunto lawfully Authorized, whether they will immediately deliver up, and relinquiſh the Poſſeſſion of the Lands in Controverſy, unto the King's Majeſty, and reſort to their proportionable Satisfaction, out of other Forfeited Lands; which if they do Elect, they are to be admitted accordingly, and ſhall be ſatisfied, his and their full Two Third Parts, and ſo much more as may be equivalent to his and their Buildings and Improvements, and then ſhall part with the ſaid Lands; or whether they will rather abide the Trial at Law, which

if they do Elect, and the Iriſh Claimants ſhould fail to Proſecute their Title, or a Verdict or Judgment ſhall be given againſt ſuch Iriſh Claimant, or the Perſon or Perſons who ſhall derive under ſuch Iriſh Claimants; then ſhall ſuch Adventurer or Soldier, or other Perſon or Perſons, his or their Heirs, Executors or Aſſigns, who ſhall be concerned in that Sute, for ever, and finally Hold the ſaid Lands in Queſtion, and every part thereof to him and his Heirs: But in caſe Verdict or Judgment be given for the Title of the Iriſh Claimant, or no ſuch Election be made as aforeſaid; the Adventurer or Soldier, or other Perſon, his or their Heirs, Executors or Aſſigns, ſhall be Excluded from demanding or having his Two Third parts, or any other ſatisfaction which otherwiſe he might have had, in reſpect of ſuch Lands ſo recovered as aforeſaid.

Nevertheleſs it is hereby Declared, That no other Title ſhall be admitted to be alledged or given in Evidence by ſuch Iriſh Claimants, or any Claiming under them, but ſuch Title as was alledged in the Claim Exhibited before the Commiſſioners for the Execution of the ſaid former Act.

Provided, That if any ſecret Agreement be made between the Iriſh Claimant and the Party concerned as aforeſaid, directly or indirectly, and the Perſons ſo agreeing ſhall obtain any ſatisfaction for, or in reſpect of the Land ſo agreed for; That then, and in ſuch Caſe, the Party ſo Offending ſhall Forfeit double the value of the Land ſo obtained; a Moiety to the King's Majeſty, the other Moiety to the Informer, to be recovered in like manner as other Forfeitures are herein appointed to be recovered; by both which Clauſes there being no time limited in them, either for the ſetting out the ſaid Repriſals, or for bringing the Title of ſuch Iriſh Claimant to a Tryal: The Eſtates of ſuch Adventurers, Soldiers, Forty Nine Officers, and Proteſtant Purchaſers in Conaught and Clare, and all Perſons Claiming, by, from or under them which were principally intended to be ſecured by the ſaid Act, who have any Houſes, Lands, Tenements or Hereditaments, formerly the Eſtate of a Nominee, or of any Innocent left to Law, have hitherto been and ſtill are ſubject to be diſquieted and drawn in queſtion by the Perſons aforeſaid; which pretences being a great diſcouragement to Improvements, and very prejudicial to the Eſtates and Poſſeſſions of the ſeveral Proteſtants, who have paſſed Patents of any Houſes, Lands, Tenements or Hereditaments, ſubject thereunto, ought in all Reaſon and Juſtice, after ſo long a Tract of Time as is Elapſed ſince the paſſing the ſaid Act; to be Foreclosed and Barred, and the ſeveral Adventurers and Soldi-

Soldiers, and other Perſon or Perſons, their reſpective Heirs and Aſſigns, who have any Houſes, Lands, Tenements or Hereditaments, for which any of the ſaid Nominees, or the ſaid other Perſons reſtorable after previous Repriſals, might have procured Repriſals to be ſet up, or for which any Innocent left to Law might have brought his Action as aforeſaid; be for the future Eſtabliſhed in the quiet and peaceable Poſſeſſion of their ſeveral Houſes, Lands, Tenements and Hereditaments, which have been paſſed unto them or any of them, by Patent and Certificate, purſuant to the ſaid Act of Explanation; Freed and for ever Diſcharged of and from all Actions and Sutes, to be at any time hereafter brought by any Perſon, who in his Decree of Innocency, was left to Law for the Recovery of ſuch Houſes, Lands, Tenements and Hereditaments; and alſo, from all Claim, Right or Title that any Nominee, or other the Perſons ſo Reſtorable as aforeſaid, after previous Repriſals; can have or pretend to have by Virtue of the ſaid Act, to any Houſes, Lands, Tenements or Hereditaments, on his giving or offering to give the Patentee, his Heirs or Aſſigns, any other Houſes, Lands, Tenements or Hereditaments, in Repriſal for the ſame; whereby the ſaid Patentees, their Heirs and Aſſigns, and all and ſeveral their Houſes, Lands, Tenements and Hereditaments, Granted to them, in purſuance of the ſaid Act, ought for the future to be free from all ſuch Demands of the ſaid Nominees, or other the Perſons ſo reſtorable as aforeſaid, after previous Repriſals, and their Heirs and Aſſigns; and from all Sutes to be brought by Innocents left to Law, and their Heirs, as if no ſuch Clauſe or Clauſes had ever been Inſerted for them, or either of them in the ſaid Explanatory Act; by both which Clauſes, the Lands, Tenements and Hereditaments, Granted by Certificate and Patent, purſuant to the ſaid Act, are Diſcharged from all Rights, Titles and Intereſts, which were not Decreed by the Commiſſioners for Executing the Act, Intituled, An Act for the better Execution of His Majeſty's Gracious Declaration, for the Settlement of this Kingdom of *Ireland*, and Satisfaction of the ſeveral Intereſts of Adventurers, Soldiers, and other His Subjects there: And which were not particularly mentioned and reſerved in the Letters Patents, or were not the proper Act of the Party to whom ſuch Letters Patents were Granted; or thoſe under whom he derived, yet to the great prejudice and diſturbance of the ſaid Patentees, their Heirs and Aſſigns, ſeveral Perſons not Decreed Innocent, or if they have been Decreed Innocent, not having Claimed any Incumbrance or Debt on the Land ſo Granted in Patent, nor having any ſaving for the ſame in the Letters Patents Granted thereof,

nor having obtained any Judgment or Decree in the late Court, or pretended Court for Adjudication of Claims, or in the Court of Exchequer, or any the Four-Courts Sitting at Dublin, before the Twenty Second Day of Auguſt, One thouſand ſix hundred and ſixty three; have and do ſet up ſeveral Ancient Incumbrances, as well by Judgment, Statute, Staples, Recognizances, and otherwiſe, not being the Debts or Incumbrances of the Party to whom ſuch Letters Patents are granted, and commence, and carry on ſeveral Sutes both in Law and Equity, or any other Perſon whatſoever other than the Patentee, His Heirs or Aſſigns, on the ſaid Lands, Tenements and Hereditaments, in the poſſeſſion of the ſaid Patentees, their Heirs or Aſſigns; by which unjuſt Sutes and Actions, the Patentees, their Heirs and Aſſigns, are put to very great Trouble and Charge. For the Remedy of all which, and for the Eſtabliſhing and Confirming the ſaid Patentees, their Heirs and Aſſigns for ever, in the quiet Poſſeſſion of the ſeveral Houſes, Lands, Tenements and Hereditaments, ſo Granted them by Letters Patents, purſuant to the ſaid Act, againſt all pretences of Repriſals to be made by them the ſaid Nominees, or any of them or their reſpective Heirs; and againſt all future Sutes or Actions to be brought by any Perſon or Perſons, or their Heirs, who was or were Innocent and left to Law as aforeſaid; And againſt all Sutes or Actions in Law or Equity, Grounded on any ſuch Ancient Dormient Incumbrance, to which the Party Claiming the ſame, or thoſe under whom he Claimed were not Decreed, or for which there is no ſaving in the Letters Patents of the Party whoſe Lands are pretended to be Liable to the ſame, and againſt all other Titles and Pretences whatſoever; whereby the Right and Poſſeſſion of the ſaid Patentees, their Heirs or Aſſigns to the ſaid Lands, Tenements and Hereditaments, ſo Granted in Letters Patents, purſuant to the ſaid Act of Explanation, may any way be called in Queſtion.

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame; That from and after the Twenty ninth Day of October, in the Year One thouſand ſix hundred ninety eight, no Perſon or Perſons whatſoever Having, Holding or Enjoying any Houſes, Lands, Tenements or Hereditaments, by Virtue of any Certificates and Letters Patents, purſuant to the ſaid Acts of Settlement and Explanation, or either of them, ſhall be liable to be removed from thence, or be obliged to relinquiſh his or their Intereſt, Eſtate or Poſſeſſion therein, on any Repriſals given or offered to be

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given, by any Person or Persons Intituled or pretended to be Intituled to the same, as a Nominee, Letterree, Ensign-man, Provisoe-man, or by any other way or means whatsoever, by Vertue of the said Acts of Settlement and Explanation, or either of them; but that every such Patentee, his Heirs and Assigns, shall and may for ever Have, Hold and Enjoy the said Lands, Tenements and Hereditaments, according to the Estate Granted to him or them, Freed and Discharged from the several Clauses and Provisoes in the said Acts, or either of them, whereby he was made liable to accept of Repризals for the same; and shall Have, Hold and Enjoy the said Lands, Tenements and Hereditaments for the future, Confirmed unto him, his Heirs and Assigns, according to the Estate limited in the said Letters Patents, against all and every Person and Persons Claiming the same as a Nominee, Letterree, Ensign-man, Provisoe-man, or by any other ways or means as aforesaid, to all intents and purposes, as any other Patentee, by Vertue of the said Act, does or ought to Enjoy the Lands, Tenements or Hereditaments, Granted unto him. And also, That no Person or Persons Decreed Innocent, and by his Decree left to Law, who hath not hitherto brought any Action for, and Actually recovered the Houses, Lands, Tenements and Hereditaments, for which he was so left to Law; shall at any time after the passing this Act, be admitted to bring any Action or Sute whatsoever for the recovery thereof, but shall be debarred from so doing, and his pretended Right be for ever Determined, Annulled and Extinguished.

And be it further Enacted by the Authority aforesaid, For the effectual Quieting and Establishing the Estates and Possessions of all and every Person and Persons Claiming the same, by or under any Letters Patents passed pursuant to, or by Vertue of the said Acts, or either of them; and for Preventing their being Sued or Impleaded, on Pretence of any such Ancient Incumbrances, be they Judgments, Recognizances, Statutes, Merchant, or of the Staple, Acknowledged or Entred into, on or before the Twenty Third Day of October, in the Year of our Lord, One thousand six hundred and forty one; which said Incumbrances are not Decreed to the Party Claiming the same, nor to those Persons he Claims under, by the said Commissioners for Executing the Act of Settlement, nor saved in the Letters Patents, Granted of the Lands, Tenements and Hereditaments, pretended to be liable thereunto, that are not now depending, or if depending, have not been Prosecuted since the third Day of October, One thousand six hundred and ninety one, that from and after the Twenty Ninth Day of October, One thousand six hundred ninety eight; no Action shall lye,

nor Sute be Admitted or Prosecuted, or any such Antient Incumbrance for the Charging any Lands, Tenements or Hereditaments so Granted in Patent as aforesaid, in any Court either in Law or Equity; but that the Lands so Granted in Patent, shall be Discharged thereof; and that no Process, Scire facias, or Execution whatsoever, shall ever Issue at any time hereafter on any such Antient Incumbrance or Incumbrances; but that the same, as to the Patentee, his Heirs and Assigns, and the Lands, Tenements and Hereditaments, so Granted in Patent to him, shall be Taken and Judged to be Null and Void, to all intents and purposes whatsoever.

Provided always, That nothing herein contained, shall Extend or be construed to Extend in any wise, to prejudice any Debt, Right, Title, Interest or Estate, of, in, out of, or unto any Lands, Tenements and Hereditaments, contained or mentioned in any Judgment or Decree obtained by any Protestant or Protestants in the late Court, or pretended Court for Adjudication of Claims, or in the Court of Exchequer, or any the Four Courts Sitting at Dublin, before the Two and Twentieth Day of August, One thousand six hundred sixty three; nor to any Chiefry or other Incumbrance, whereof or whereon any Interest, Sum of Money, or other Consideration hath been received, since the passing the Letters Patents of such Forfeited Lands, Tenements and Hereditaments, Claimed to be liable thereunto.

And be it further Enacted by the Authority aforesaid, That all and every Letters Patents, at any time passed to any Deficient Adventurer or Soldier, Repizable by the said Acts, or either of them, his or their Heirs or Assigns; or to any Person or Persons in Trust for such Deficient Soldier or Adventurer respectively, his Heirs or Assigns, of any Lands, Tenements and Hereditaments, which have been or were at any time before the passing such Letters Patents, Seized, Sequestred, Set out, or Set apart, on account of the said Rebellion, which began and broke forth in this Kingdom, on the Twenty Third of October, One thousand six hundred and forty one; or otherwise Vested in the late King Charles the First and Charles the Second, or either of them, by Vertue of the said Acts or either of them, for, as, or toward a Repizal to such Deficient Soldier or Adventurer, such Letters Patents, and all and singular the Lands, Tenements and Hereditaments, so passed in Patent, as a Repizal as aforesaid, on the Twenty Ninth Day of October, One thousand six hundred ninety eight, in the Actual Possession of such Patentee or Patentees respectively, his or their Heirs, or in Trust, to, and to the use of them, or any of them, or the Heirs or Assigns of any of them; or

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in the Poſſeſſion of any deriving by, from or under him, them or any of them; ſhall be, and by Vertue of this Act are Enacted to be, and are Confirmed as to ſuch Lands ſo paſſed in Repriſe to ſuch Perſon and Perſons reſpectively, his and their reſpective Heirs, Executors and Adminiſtrators, Leſſee and Leſſees, according to the Tenor of the ſaid ſeveral Letters Patents: And the reſpective Eſtates, Titles, Terms and Intereſts, of any Perſon or Perſons Claiming or Deriving any thing, of, into, or out of the ſaid Lands, Tenements and Hereditaments, in ſuch ſeveral Letters Patents, contained by Vertue of ſuch Letters Patents, in as full, ample and beneficial manner, to all intents and purpoſes whatſoever; as if ſuch Letters Patents had been paſſed on Certificates, purſuant to and by Vertue of the ſaid Acts, or either of them, and Freed and Diſcharged from all ſuch Incumbrances; and in ſuch manner as the Lands, Eſtates and Intereſts of Adventurers and Soldiers, who have paſſed Patent on Certificates; are by this Act, and for the future Quieting and Settling the Eſtates and Poſſeſſions of the Adventurers, Soldiers, Forty Nine Officers, and all other Proteſtants whoſe Eſtates are confirmed to them by the ſaid former Acts of Settlement and Explanation, or by this preſent Act.

And whereas His Majeſty is Graciouſly pleaſed to Remit and Diſcharge His Loyal Subjects, of and from all Reliefs, as well Arrears now Due and Incurred, as alſo all growing and future Payments thereof.

Be it Enacted by the Authority aforeſaid, That all Reliefs already due to His Majeſty, or any of his Predeceſſors; or which hereafter may be Claimed as due to His Majeſty, His Heirs or Succeſſors, ſhall be, and are for ever Remitted, Forgiven and Diſcharged; and that all the ſeveral Lands, Tenements and Hereditaments in this Kingdom, out of which any Relief or Reliefs, or Sum or Sums of Money, as Reliefs have been, are, or hereafter may be Claimed or Demanded, as due to His Majeſty, His Heirs or Succeſſors, ſhall be, and by this Act are for ever Diſcharged of the ſame; and that no Perſon or Perſons whatſoever, ſhall or may be Sued, Proceſſed, or otherwiſe Impleaded in any Court or Courts whatſoever, for any ſuch Relief or Reliefs, or any Sum or Sums of Money, due as Reliefs to His Majeſty, His Heirs or Succeſſors, or for any Arrears of the ſame.

Provided always, That this Act or any thing therein contained, ſhall not Extend to prejudice the Right, Title, Intereſt, Claim and Demand in Law or Equity of John Vernon Merchant, Son, Heir and Adminiſtrator of John Vernon Eſquire, Deceaſed; to the Manor, Caſtle,

Towns and Lands of Clantaffe, and Holy-Brookes, with the Iſlands and Appurtenances thereto belonging, lying and being in the County of Dublin, and County of the City of Dublin, any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

Saving and Reſerving to His Majeſty, His Heirs and Succeſſors, all ſuch Eſtate, Right, Title and Intereſt, to all or any the Houſes, Lands, Tenements and Hereditaments whatſoever, which have been paſſed in Certificate and Patent, by Randle late Lord Marquels of Antrim, His Heirs or Aſſigns, or any Perſon deriving by, from, or under him or them, or any of them, in the ſame Manner as if this Act had never been made.

Saving alſo unto His Majeſty, His Heirs and Succeſſors, all ſuch Eſtate, Right, Title and Intereſt, either in Law or Equity, which His Majeſty had before paſſing this Act to the Lands of Iriſh-Town, in the Barony of Rathconra, and County of Weſt-Meath.

Provided always, That this Act or any thing therein contained, ſhall not Extend, or be conſtrued to Extend, to Confirm to Richard Coote, Eſquire, or to the Heirs or Aſſigns of his Father, Charles late Earl of Montrath, his or their Eſtate or Poſſeſſion of any Manors, Lands, Tenements or Hereditaments, which were the Eſtate of Jenico late Lord Viſcount Gormanſtown, or of Nicholas late Lord Viſcount Gormanſtown, his Father, or to debar, hinder, deprive or prejudice any Perſon or Perſons, deriving by, from, or under the ſaid late Lords Viſcounts, or any of them, from having and recovering all or any of the Manors, Lands, Tenements or Hereditaments, that were Held, Poſſeſſed or Enjoyed by the ſaid late Lord Viſcount Gormanſtown, in his Life time; or to Have or Recover any Rent-Charge or Incumbrance Iſſuing thereout or Charged thereupon, in ſuch Manner and Form as they might have done, if this Act had never been made, any thing in this Act contained to the contrary notwithſtanding.

CHAP. VIII.

An ACT for the preſervation of the Game, and the more eaſy Conviction of ſuch as ſhall Deſtroy the ſame.

WHEREAS divers Good and Neceſſary Laws have been heretofore made, for the better Preſervation of the Game, and of the Fiſh in the Rivers of this Kingdom:

dom: Notwithstanding which Laws, or for want of the due Execution thereof, the Game of this Kingdom, and Fish in such Rivers have been very much Destroyed by many Idle Persons, who afterwards betake themselves to Robberies, Burglaries or other like Offences, and neglect their lawful Imployments. For Remedy whereof, and for the more effectual Preservation of the said Game and Fish:

Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same; That all and every Law and Statute now in Force, for the better Preservation of the Game, and of the Fish in the several Rivers, Loughs and Ponds of this Kingdom, and every Article and thing in them contained, and not herein and hereby Altered or Repealed, shall be duly put in Execution, according to the Tenor of the said Laws, and under the Penalties therein contained, to be Raised, Levied and Disposed of, as in and by the said Laws is directed.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth Day of October, One thousand six hundred ninety eight, no Person or Persons whatsoever, not having an Estate of Free-hold in his own or his Wife's Right, of the Yearly Value of Forty Pounds at the least, or a Personal Estate of the Value of One thousand Pounds at least, over and above all Debts by him Owing, either for himself, or as Servant to any other, unless he be such Servant as hath no other way of Livelyhood for his Wages from such Person, have or keep any Hound, Beagle, Grey-hound or Land-spaniel, within this Kingdom, other than and except Whelps under the Age of Twelve Months, which shall be kept at Nurse for Persons Qualified within this Act, for the having the same; on pain that such Hound, Beagle, Grey-hound or Spaniel so kept contrary hereunto, shall or may be Seized and Taken away by any Justice of the Peace of the respective Counties, where the same shall be so kept, or by any Person or Persons Authorized thereunto, by Warrant under the Hand and Seal of such Justice of the Peace, or by any Person having a Free-hold of the Yearly Value of Forty Pounds or upwards within such County; which Justice of the Peace and Free-holder respectively Seizing such Hound, Beagle, Grey-hound or Spaniel, may detain the same to his and their own Uses, or otherwise dispose of the same as they shall think fit: And all and every Person or Persons so keeping such Hound, Beagle, Grey-hound or Spaniel contrary hereunto, and being thereof Convict before some Justice

of the Peace of the County where such Offence shall be committed, on the Oath of one or more credible Witness or Witnesses, which Oath such Justice of the Peace is hereby Authorized to Administer, shall for every such Offence, Forfeit and Lose the Sum of Five Pounds, to be Levied by Warrant of such Justice of the Peace before whom such Offender shall be Convict, by Distress and Sale of the Goods of such Offender, returning the Overplus (if any be) to the Party Distrained on, the one Moiety thereof to the Informer who shall Prosecute for the same, the other Moiety to be Issued for the Use of the Poor of the Parish where such Offence shall be committed.

And it is hereby further Enacted, That no Free-holder or other Person Qualified within the meaning of this Act, to have or keep any such Hound, Beagle, Grey-hound or Spaniel, shall shelter, conceal or cover any such Hound, Beagle, Grey-hound or Spaniel, for any Person or Persons not Qualified to have or keep the same as aforesaid, on pain that such Free-holder or other Person Offending contrary hereunto, shall for every such Offence Forfeit and Lose the Sum of Forty Pounds, to be Recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record in Dublin, in which no Essoyn, Protection or Wager of Law shall be allowed, or more than one Imparlance; the one Moyety of such Forfeiture to be to the King's Majesty, His Heirs and Successors, the other Moyety thereof to him or them that will Sue for the same.

And whereas divers Papists not Qualified by the Laws and Statutes of this Realm, to have and keep Guns or other Fire-Arms, do notwithstanding Use and Keep the same, under pretence of being Servants to some Protestant or Protestants, in the Nature of his or their Fowler or the like. For Remedy thereof for the future,

Be it Enacted, That from and after the Twentieth Day of October, One thousand six hundred ninety eight, no Papist or Papists, or reputed Papist or Papists shall be Imployed as Fowler for any Protestant or Protestants, or under colour or pretence thereof, shall have, keep, carry or use any such Gun or Fire-Arms; and if any such Gun or other Fire-Arms, shall from and after the Twentieth Day of October, One thousand six hundred ninety eight, be found in the Possession or Keeping of any such Papist or Papists, or reputed Papist or Papists, not Qualified to have or keep the same by the Laws now in Force in this Realm, the same shall or may be Seized and Taken by Warrant of any Justice of the Peace of the County where the same shall be found, which Warrant such Justice of the Peace on Information to him given, is hereby required to Grant, and such

Gun

Gun or other Fire-Arms as shall be so Seized by Vertue thereof, shall immediately after such Seizure, belong unto, or become the Property of the Person or Persons giving Information touching the same; notwithstanding that such Gun or other Fire-Arms, at the time when the same were so Seized and Taken in the Possession of such Papist or Papists, or reputed Papist or Papists did really belong unto, or was the property of some Protestant or Protestants, or other Person Qualified to keep Fire-Arms.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth Day of November, One thousand six hundred ninety eight, no Person or Persons whatsoever, shall Shoot any Deer at any Season of the Year, except on his own Ground only, or on the Ground of such Person or Persons to whom the Person Shooting such Deer being a Protestant, shall be a Menial Family Servant at the time of Shooting the same, and that by Warrant only under the Hand of such his Master, and no otherwise, on pain that every Person so Offending contrary hereunto, being thereof Convict before one or more Justice or Justices of the Peace of the County where such Offence shall be committed, on Oath of one or more credible Witnesses, which Oath, such Justice or Justices are hereby Authorized to Administer, shall for every such Offence Forfeit and Lose the Sum of Five Pounds, the one Moiety thereof to be to the Use of the Poor of the Parish where such Offence shall be committed, the other Moiety thereof to him or them who shall give Information and make proof of such Offence before such Justice or Justices of the Peace, the same to be Levied on the Goods and Chattles of the Offender, by Warrant under the Hand and Seal of such Justice or Justices, who are hereby required to Grant such Warrant, and to Pay or Order Payment of the Money Levied thereby accordingly.

And be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, shall in any Year after the Twentieth Day of October, One thousand six hundred ninety eight, Hunt, Course or Kill any Male Deer, before the Tenth Day of June in such Year, unless it be in the Park or proper Ground of the Person Hunting, Coursing or Killing the same; nor shall Course, Hunt or Kill any Male Fallow Deer after Michaelmas, in any Year, unless in the proper Ground of the Person Hunting, Coursing, or Killing the same, on pain that all and every Person and Persons Offending contrary hereunto, shall for every such Offence, Forfeit and Lose the Sum of Five Pounds; such Offence to be Heard, Examined and Determined, by, and before such Justices

of the Peace as aforesaid; And the Forfeiture for the same Levied, Divided and Paid to such Person or Persons, and in such manner as is herein before appointed for the other Offence of Shooting Deer contrary to this Act.

And for the preservation of Hares, Grouse and other Game, being in Mountains, Hills, Moors, Bogs or Heaths in this Kingdom.

Be it Enacted by the Authority aforesaid, That no Person or Persons shall after the Twentieth Day of October, One thousand six hundred ninety eight, Burn on any Mountain, Hill, Moor, Bog, Heath or waste Ground, any Grig, Ling, Furs, Heath, Gols or Fern, at any other Season of the Year, save only between the Fourteenth Day of June, and the Second Day of February in every Year, on pain that every Person and Persons Offending contrary hereunto, shall for every such Offence Forfeit and Lose the Sum of Five Pounds; such Offence to be likewise Heard, Examined and Determined, by and before such Justices of the Peace as aforesaid, and the Forfeiture for the same Levied, Distributed, Divided and Paid to such Person and Persons, and in such manner as is herein before appointed for the said other Offence of Shooting Deer, contrary to this Act.

And it is hereby further Enacted, That no Person or Persons shall Trace any Hares or other Game whatsoever, in the Snow nor shall Destroy the Eggs or Nest of any Partridge, Pheasant, Grouse, Quail, Duck or other Wild Fowl: Nor shall any Person or Persons not having such Free-hold Estate of Forty Pounds per Annum, or Personal Estate to the Value of One Thousand Pounds as aforesaid, Shoot at, Kill, Take or Destroy any Hare or Hares, Partridge, Pheasant, Grouse or Quail; or any Person whatsoever, Shoot at, Take, Kill or Destroy any House-Dove or Pidgeon, other than such as shall be in, or belonging unto the Dove-house or Pidgeon-house of the Person or Persons so Shooting at, Killing or Destroying the same, on pain that every Person Offending contrary hereunto in any of the particulars aforesaid, shall for every such Offence being thereof Convict before one or more Justice or Justices of the Peace of the County where the same shall be Committed, or the Offender Apprehended, Forfeit and Lose the Sum of Ten Shillings, the One Moiety thereof to the Use of the Poor of the Parish where such Offence shall be committed, to be Paid to the Church-Wardens of such Parish for such Use; the Other Moiety to him or them who shall Inform and Prosecute for the same as aforesaid; or otherwise shall be publickly Whipt at the discretion of the Justice or Justices of the Peace before whom he or they shall be convict.

Provided

Provided always, That nothing herein contained shall Extend, or be Construed to Extend, to restrain or hinder any Tenant or Tenants to any Person or Persons not Restrained by this Act, from having and keeping any Hound, Beagle, Spaniel or Grey-Hound, for the Use of such their Landlord, so as such Tenant shall not Hunt, Course, or otherwise make use of such Hound, Beagle or Grey-hound, but in the Company and Attendance of his Landlord only.

And it is further Enacted by the Authority aforesaid, That no Person or Persons after the Twentieth Day of October, One thousand six hundred ninety eight, not having an Estate of Free-Hold of the Yearly Value of One Hundred Pounds or upwards, or a Personal Estate of the Value of One thousand Pounds, shall have or keep any Setting-Dog or Bitch, other than such Person or Persons as shall be Allowed and Licensed thereunto, by the Justices of Peace of the County where he shall Live, at the General Quarter-Sessions of the Peace to be held for such County, next after Christmas in every Year, in Order to the Making and Training up Setting-Dogs or Bitches, and that under such Regulations only, and no otherwise, as shall be allowed and specified in such License; and such Person or Persons so to be Licensed, shall also, and are hereby required every Two Years during the continuance of such their License, to Train up, Teach and Make some one or more Hound or Hounds, to Hunt on dry Foot; and in default thereof, that such License so obtained, shall be, and become of no Force and Effect and shall be reputed and deemed so to have been from the Granting the same; and the Person or Persons to whom the same was Granted, shall be liable to the same Penalties, as if he or they had Acted without such License.

And be it further Enacted by the Authority aforesaid, That no Person or Persons keeping or using a Gun to Fowl with, as Servant to any Person not Restrained by this Act from keeping the same, shall Sell or Dispose of any Fowl or Game he or they shall Kill to any Person whatsoever, but shall bring all such Fowl or Game to his or their Master's House, for the Use of his or their said Master, on pain that every Person Offending contrary hereunto, shall for every such Offence Forfeit Twenty Shillings; the said Offence to be Heard, Examined and Determined, by and before such Persons, and the Forfeiture Levied and Distributed, and Divided in such manner as is herein before Appointed for the Offence of Shooting Deer, contrary to this Act.

And it is hereby further Enacted, That no Non-commissioned Officer, or Private Soldier, belonging to any Regiment, Troop or Company, which is or shall be

within this Kingdom, shall from and after the Twentieth Day of October, One thousand six hundred ninety eight, be permitted to go out of his Garrison or other Quarters, with any Gun or other Fire-Arms, unless the same be on a March or a Commanded Party, by Command of the Officer in Chief then present, and Commanding in such respective Garrison or Quarters, on pain that such Non-commissioned Officer and Private Soldier being thereof Convict before some One or more Justice or Justices of the Peace for the County where such Offence shall be committed, shall for every such Offence Forfeit and Lose the Sum of Five Shillings, to be paid to such Person or Persons as shall give Information of and make out such Offence before such Justice of the Peace; and to be Levied on the Warrant of such Justice of the Peace, by Distress and Sale of Goods of the Person Offending, rendring the Overplus to the Party Distrained on: And in Case no sufficient Distress shall be found, the Person or Persons so Offending, shall by Warrant of such Justice of the Peace, be sent to the Common Goal for such County, there to be kept in close Custody without Bail or Mainprize for Ten Days.

And for the better putting this Act in Execution, the Officer in Chief in such Garrison or Quarters, to which such Offender shall then belong, shall on Demand render the Body of the Offender into the Hand of the Justice of Peace or other Civil Magistrate, to be dealt with according to Law: And in Case such Officer shall neglect or refuse to deliver up such Offender; such Officer being thereof Convict before one or more Justice or Justices of the Peace of the County where such Garrison or Quarters shall be, shall for such Offence Forfeit and Lose the Sum of Five Pounds, to be Levied on the Warrant of such Justice or Justices, by Distress and Sale of the Goods of such Officer, rendering the Overplus (if any be) one Moiety whereof, shall be to the Use of the Poor of the Parish where such Offence shall be committed, the other Moiety to him and them that shall Inform of, and make out such Offence before such Justice or Justices.

And it is hereby further Enacted, That no Commissioned Officer of any Regiment, Troop or Company within this Kingdom, or any Person Imployed by or under him, shall Shoot or Course with Grey-hounds any Deer, Hare or other Game whatsoever, except on his own Ground, or otherwise by the free permission and leave first had and obtained of the Owner of the Ground or Soil, where he or they shall so Hunt or Course, on pain of Forfeiture by such Commissioned Officer of the Sum of Five Pounds for every such Offence; which Offences

shall

ſhall alſo be Heard and Determined before one or more Juſtice or Juſtices of the Peace for the County where the ſame ſhall be committed; and the ſaid Forfeiture to be Levied, Diſtributed and Divided, in the ſame Manner as the ſaid Forfeiture for Shooting of Deer, contrary to this Act is herein before appointed to be Levied, Diſtributed and Divided.

And for the more eaſy Diſcovery and Conviction of ſuch Offenders, as by this or any other Laws of Force in this Kingdom, are Prohibited to Kill or Deſtroy the Game.

Be it Enacted by the Authority aforeſaid, That every Conſtable, Head-Borough and Tything-man, or other Perſon whatſoever, being thereunto Authorized, by Warrant of one or more Juſtice or Juſtices of the Peace, under his or their Hands and Seals, ſhall have full Power and Authority, and is hereby required to Enter into and Search (in ſuch Manner and with ſuch Power as in caſe where Goods are Stolen, or ſuſpected to be Stolen) the Houſe or Houſes, Out-houſes, or other Places belonging to ſuch Houſes of ſuſpected Perſons not Qualified as aforeſaid: And in caſe any Veniſon, Hare, Partridge, Pheaſant, Pidgeon, Fiſh, Fowl or other Game, ſhall upon ſuch Search or otherwiſe be found, the Offender ſhall be carried before ſome Juſtice of the Peace of the ſame County; and if ſuch Perſon do not give a good Account how he came by ſuch Veniſon, Hare, Partridge, Pheaſant, Pidgeon, Fiſh, Fowl or other Game, as ſhall ſatisfie the ſaid Juſtice, that the ſame was not Taken, Killed or Gotten contrary to this Act, or elſe ſhall not in ſome convenient time to be ſet by the ſaid Juſtice, not exceeding Six Days, produce the Party of whom he Bought the ſame, or ſome other credible Perſon to Depoſe upon Oath, ſuch Sale thereof, that then ſuch Perſon not giving ſuch good Account, nor producing ſuch Witneſs as aforeſaid, ſhall be Convicted by the ſaid Juſtice or Juſtices of ſuch Offence, and upon ſuch Conviction, ſhall Forfeit for every Hare, Partridge, Pheaſant, Pidgeon, Fiſh, Fowl, or other Game or Veniſon, any Sum not under Five, and not exceeding the Sum of Twenty Shillings, to be Aſcertained by the ſaid Juſtice; One Moiety thereof to be paid to the Informer, and the other Moiety to the Poor of the Pariſh where ſuch Offender ſhall Live, the ſaid Forfeiture to be Levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Juſtice before whom the Offender ſhall be Convicted, rendring the Overplus (if any be) and for want of Diſtreſs, the Offender and Offenders ſhall be committed to the Houſe of Correction, for any time not exceed-

ing One Month, and not less than Ten Days, there to be Whipped and kept to hard Labour.

And in case any Person or Persons so produced and charged with the said Offence, shall not before the same Justice, give such Evidence of his Innocence as aforesaid, he shall be Convicted thereof in the same Manner, as the Person or Persons first charged therewith is hereby directed to be, and so from Person to Persons, till the first Offender shall be Discovered.

And be it further Enacted by the Authority aforesaid, That all Lords of Mannors or other Royalties, not under the Degree of an Esquire, may from henceforth by Writing under their Hands and Seals, Authorize one or more Game-keeper or Game-keepers within their respective Mannors or Royalties, who being thereunto so Authorized, may Take and Seize all such Guns, Hounds, Grey-Hounds, Beagles, Land-Spaniels or Setting-Dogs, as within the Precincts of such respective Mannors or Royalties, shall be used by such Person or Persons, who by this Act are Prohibited to keep or use the same. And moreover, that the said Game-keeper or Game-keepers, or any other Person or Persons being thereunto Authorized, by Warrant under the Hand and Seal of any Justice of the Peace of the same County, may in the Day-time Search the Houses, Out-houses, or other Places of any such Person or Persons, by this Act Prohibited to keep or use the same, as upon good Ground shall be suspected to have, or keep in his or their Custody, any Guns, Hounds, Grey-Hounds, Beagles, Land-Spaniels or Setting-Dogs; and the same, and every or any of them to Seize, Detain and Keep, to and for the use of the Lord of the Mannor or Royalty, where the same shall be so found or taken. And to the end all Keepers of Parks, and Game-keepers duly Authorized as aforesaid, may be Indempnified in the Execution of their Office.

Be it Enacted, That all Lords of Mannors or other Royalties, not under the Degree of an Esquire, or any Person or Persons so Authorized by them as aforesaid; shall and may within their respective Mannors or Royalties, Oppose and Resist such Offenders, in Killing or Destroying the Game contrary to this Act, in the Night-time, in the same manner, and be equally Indempnified for so doing, as if such Fact had been committed within any ancient Chase, Park or Warren whatsoever. And to the end that no Persons Convicted of any of the Offences as aforesaid, may escape Punishment, by their Flight or other Removal, after such Conviction;

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for, and hereby Authority

is

is given after such Conviction as aforesaid, to the Constable or other Officer or Person or Persons Prosecuting, to detain in Custody such Offender or Offenders (in case he, or they shall not presently pay the Moneys due by such Conviction) during such reasonable time as a return may be conveniently had and made to the Warrant, for the Distress upon such Conviction, so as such Detainer do not exceed Two Days.

Provided, That where any Offender shall be punished by Force of this Act, that he shall not be Prosecuted upon, nor incur the Penalty of any other Law or Statute for the same Offence.

Provided also, and be it Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall be Sued or Prosecuted for, or by reason of any Matter or Thing which he or they shall do in pursuance of this Act; it shall and may be Lawful to and for the Person or Persons so Sued or Prosecuted, to plead the General Issue, and give the special Matter in Evidence; and if the Verdict shall pass with the Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs become Non-suit, or suffer any discontinuance thereof; that in such case, such Defendant or Defendants shall have his or their treble Costs, which he or they shall have sustained, in such Action or Sute, for which the said Defendant or Defendants shall have the like Remedy as in other cases, where Costs by the Laws of this Realm are given to the Defendants.

And whereas great Mischiefs do ensue by Inferior Trades-men, Apprentices and other dissolute Persons, neglecting their Trades and Employments, who follow Hunting, Fishing and other Game, to the Ruin of themselves, and Damage of their Neighbours. For Remedy whereof;

Be it Enacted by the Authority aforesaid, That if any such Person as aforesaid, shall presume to Hunt, Hawk, Fish or Fowl, unless in company with the Master of such Apprentice, duly Qualified by Law, such Person or Persons shall be liable to the same Penalties as the Persons on whom such Game shall be found as aforesaid, are liable unto by Virtue of this Act; and shall or may also be Sued and Prosecuted for their Wilful Trespass in such their coming on any Person's Land: And if found Guilty thereof, the Plaintiff shall not only recover his Damages, but his full Costs of Sute, any former Law to the contrary notwithstanding.

Provided always, That nothing herein contained shall restrain any Person within any Manor from keeping Hounds, Beagles, Grey-Hounds, Spaniels or Setting-Dogs within the same, to Hunt, Course, Set with, or otherwise use in such Manor, only so as the same be al-

lowed of and kept with the conſent and free permiſſion of the Lord of the Mannor for the time being, in which the ſame ſhall be ſo kept, appearing by Licenſe under the Hand and Seal of ſuch Lord of the Mannor.

CHAP. IX.

An ACT for Regulating the Fees of the Marſhal of the Four-Courts, and for Settling the Rates of Lodgings, and Redreſs of other Abuſes in the ſaid Marſhalſey, and in the Marſhalſey of the City of *Dublin*.

WHEREAS there hath been hitherto no certain or eſtabliſhed Rule what Fees are due, and ought of right to be paid by Priſoners committed to the Marſhalſey of the Four-Courts to the ſaid Marſhal; by reaſon whereof, the Priſoners committed to the ſaid Marſhalſey, have been many times very much Oppreſſed, and Compelled to pay ſuch Fees as the Marſhal hath thought fit to demand.

And whereas the Priſoners in the ſaid Marſhalſey have lain under great Hardſhips, by reaſon of the great Inconveniencies of their Lodgings, and the exceſſive Rates they have been charged therewith for the ſame. For Remedy of all which,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame; That from and after the Twentieth Day of October, One thouſand ſix hundred ninety eight, the Marſhal of the Four-Courts in Dublin, ſhall Take, Demand and Receive the ſeveral Fees following, and no more, (viz.)

That every Priſoner ſhall pay to the Marſhal for the Commitral Fee, Six Shillings and Eight pence, and to the Turn-Key Six pence; for a Diſcharge or Diſmiſſion Fee to the Marſhal, Six Shillings and Eight pence; upon every Habeas Corpus directed to the Marſhal, the Perſon in Cuſtody who obtained or procured the ſame, ſhall pay to the ſaid Marſhal Two Shillings and Six pence. That every Priſoner brought into Court by Habeas Corpus ad ſatisfaciendum, and thereupon committed to the Marſhal in Execution, ſhall pay to the ſaid Marſhal the Fees following (viz.) Six pence in the pound where the Execution is, or ſhall be for any Sum of, or under One hundred pounds; and where the Execution

is or shall be for more than One hundred pounds, then the said Person or Persons so committed in Execution, shall pay to the said Marshal for each pound, over and above the Sum of One hundred pounds, Three pence per pound, and no more.

Provided also, That no Person or Persons so committed in Execution, shall be charged with, or liable to pay any more of the said Poundage or Execution Fees, than for the Debt or Damages and Costs, as he, she, or they really Owe; and which the Plaintiff or Plaintiffs (on such Execution) really and Bona fide do or shall receive.

Provided also, That if any Person be, or shall be taken by the Sheriff of any County, and brought up in Custody and committed to the Marshal of the Four-Courts in Execution; that the said Poundage or Execution Fees payable as aforesaid, shall be paid to the said Sheriff that Executed the Writ, and not to the Marshal.

And it is hereby also Enacted, That upon the Pleading of any Pardon at the Bar, for any Person in the Marshal's Custody; the said Person for whom such Pardon is Pleaded, shall pay to the said Marshal for his Fee thereon, Seven Shillings and no more.

And be it further Enacted by the Authority aforesaid, That from and after the Twentieth Day of October, One thousand six hundred ninety eight, the following Rules shall be observed by the said Marshal of the Four-Courts in the said Marshalsey: And that the said Marshal shall not charge any Prisoner committed to his Custody, with other or greater Rates for Lodging, than is hereafter by this Act limited and appointed, (viz.) Every Person being Prisoner in the said Marshalsey, shall have free Liberty to bring in, or cause to be brought in, his own Bed, Meat and Drink, and Cloathing, at seasonable Hours, without being hindred by the Marshal, his Deputy, or any Imployed under him: And that no Room in the said Marshalsey shall contain more than Four Beds, and that there shall be a Chimney in every such Room: And that in every such Room that contains Four or Three Beds, each Person that brings in his own Bed, shall pay for the standing of the said Bed, Fifteen pence per Week and no more; and if Two Prisoners agree to Lye together and find their own Bed; then they shall pay Twelve Pence each of them for the standing of the said Bed, and no more: And that no more than Two Persons shall Lye in each Bed: And also, that the said Beds shall stand at least Four Foot asunder at the sides, but may join together at the Heads or Feet.

And it is hereby further Enacted by the Authority aforesaid, That in Case the Marshal shall provide and find the Prisoner or Prisoners a Bed, or Beds, with Necessaries in such Rooms; then each Prisoner shall pay the said Marshal Two Shillings and Six-pence per Week for the said Bed, such Prisoner having a Bed to himself; but in Case two Prisoners shall agree to lye together in one Bed, then they shall pay each of them Two Shillings per Week for the said Bed.

And be it further Enacted, That every Prisoner lying in the Common-Hall, shall pay one Penny per Night to the Marshal, and no more for his said Lodging.

Provided also, That if any Prisoner shall desire to have a Chamber and Bed to himself, that then he shall, or may agree with the said Marshal at such Rates as he can, for the said Lodging and Bed.

And be it further Enacted by the Authority aforesaid, That in Case the said Marshal of the Four-Courts, or his Deputy, or other Person or Persons employed under him, shall at any time after the Twentieth Day of October, One thousand, Six hundred, Ninety-eight, Demand, Exact, Take or Receive from any Person committed unto his Custody, any other, or greater Fees, Reward or Gratuity, then are appointed and limited by this Act; or shall not duly observe such Rules for the Ease and Conveniency of his Prisoners, as are by this Act prescribed; or shall exact any other, or greater Rates for the Lodging of Prisoners, than is by this Act allowed and appointed; that then the said Marshal, for the Time being, or his Deputy, which of them shall offend herein, shall forfeit for the First Offence committed against this Act, the Sum of Twenty Pounds, the one Half thereof to the King's Majesty, His Heirs and Successors, the other Moiety to the Party aggrieved, who may sue for, and recover the same, by any Action, Suit, Bill or Plaint, in any of His Majesty's Courts of Record at Dublin; wherein no Essoyn, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance. And for the Second Offence, to forfeit the Sum of Forty Pounds, to be recovered by the Party aggrieved, in Manner, as aforesaid, the one Moiety to the King's Majesty, His Heirs and Successors, the other Moiety to the said Party. And for the Third Offence, the said Marshal shall forfeit his Office, and be from thenceforth incapable of Holding or Exercising the said Office of Marshal of the Four-Courts, or of being Deputy-Marshal of the same for ever after; any Patent, Charter, Usage, or Custom, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That for the future, the Marshalsey of the Four-Courts shall be kept separate and distinct (as formerly it hath (been

been) in a House by it self, under the Care of the Marshal of the Four-Courts, appointed, or to be appointed by His Majesty's Letters Patents, under the Broad Seal of this Kingdom, or the Chief Governor or Governors of this Kingdom, for the time being.

And be it further Enacted by the Authority aforesaid, That the Marshalsey of the City of Dublin, shall be likewise kept separate and distinct in another House by it self, under the Care of such Person or Persons, as shall be duly Authorized and Appointed to keep the same.

And for the better regulating and ascertaining the Fees of the Marshal of the City of Dublin, for the time being, and the Lodgings in the said Marshalsey of the said City.

Be it further Enacted by the Authority aforesaid; That from and after the First Day of January, which will be in the Year of Our Lord God, One thousand, Six hundred, and Ninety-eight, the following Fees, and no other shall be taken by the Marshal of the City of Dublin, for the time being, (viz.) For every Prisoner committed to his Custody, upon an Action out of the Tholsel Court, Two Shillings Six-pence. For every Prisoner committed by the Lord Mayor for petty Debts, One Shilling. For every Writ of Venire facias, or Fieri facias, Issued out of the City Court to the said Marshal, One Shilling and Six-pence. For all Executions out of the City Court, directed to the said Marshal, Six-pence in the Pound, for every Sum of, or under One hundred Pounds; and where the Execution is for more than One hundred Pounds, then to receive only three pence per Pound, for each Pound over and above the Sum of One hundred Pounds, and in such Manner, and under such Restrictions, as are appointed by this Act for the Marshal of the Four-Courts.

And be it further Enacted by the Authority aforesaid, That the said Marshal of the City of Dublin, shall observe and keep the same Rules, and take the same Rates, and no greater, or other Rates for the Lodging and Accommodation of Prisoners, in such Sort, and in such Manner, as is likewise appointed by this Act, for the Marshal of the Four-Courts. And in Case the Marshal of the City of Dublin, for the time being, his Deputy, or any other Person or Persons employed under him, shall Take, Receive, or Exact any other, or greater Fees than as aforesaid, or any Gratuity or Reward from any Person whatsoever, committed as a Prisoner to his Custody; or shall not observe and perform the same Rules and Rates in every Respect, as is appointed by this Act, to be observed by the Marshal of the Four-Courts, in Relation to the Accommodation and Lodgings of his Prisoners; that then

the ſaid Marſhal of the City of Dublin, for the time being, or his Deputy, which of them ſhall offend herein, ſhall forfeit, for the firſt Offence, the Sum of Twenty Pounds; And for the Second Offence, the Sum of Forty Pounds, to be recovered by the Parties aggrieved, in ſuch Manner as the other Penalties in this Act mentioned are appointed. And for the Third Offence, the ſaid Marſhal ſhall forfeit his Office, and ſhall be from thenceforth incapable of Holding or Exerciſing the ſaid Office of Marſhal, or being Deputy-Marſhal for ever after.

CHAP. X.

An ACT for Traverſing Inquisitions.

WHEREAS ſeveral Perſons holding, or that have holden Lands, Tenements, or Hereditaments in this Kingdom, ſome for Term of Years, and ſome by Copy of Court-Roll, have been Expulled, and put out of their ſeveral Terms and Holdings, by reaſon of Inquiſitions, or Offices found before Eſcheators, Commiſſioners, or others upon Attainders of Treaſon, Felony, or otherwiſe, becauſe that ſuch Leaſes for Term of Years, or Intereſt by Copy of Court-Roll, of ſuch Perſons, have not been found in ſuch Inquiſitions or Offices, after which Expulſion, or Putting out the ſaid Perſons, have hitherto been without Remedy, for obtaining of the ſaid Terms and Holds, during the King's Poſſeſſion therein, and can have no Travere monſtrans de droit, or other Remedy for the ſame; their ſaid Intereſt being but a Chattle in the Law or Cuſtomry, Hold or Farm, and no Eſtate of Freehold.

And alſo, Where any Perſon or Perſons that hath any Rent, Common Office Fee, or other Profit Apprendre, of any Eſtate of Freehold, or for Years, or otherwiſe, out of any of the Lands, Tenements, or Hereditaments, contained in ſuch Offices or Inquiſitions, where the King, His Heirs or Succeſſors, is, or ſhall be intituled to ſuch Lands, Tenements, or Hereditaments, the ſaid Rent, Common Office Fee, or Profit Apprendre, not found in the ſame Office or Offices, ſuch Perſons are in like Manner without Remedy to obtain, or have the ſaid Rent, Common Office Fee, or Profit Apprendre, by any Traverſe, or other ſpeedy Mean or Way, without great and exceſſive Charges, during the King's Intereſt therein, by Force of ſuch Inquiſition or Office. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual

ritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That where any such Office or Inquisition is, or shall be found, omitting such Titles, Interest, or Matters as aforesaid; That in all and every such Cases, every Leassee Tenant for Term of Years, or Copyholder; and every such Person or Persons, who have, or shall have any Interest to any Rent, Common Office Fee, or other Profit Apprendre, for Term of Years, Life, or otherwise, out of any of the Lands, Tenements, or Hereditaments, contained in such Office or Inquisition, where the King, His Heirs or Successors, is, or shall be intituled as aforesaid, to any such Lands, Tenements, or Hereditaments; shall Have, Hold, Enjoy, and Perceive, all and every their Leases and Interests for Term of Years, or by Copy of Court-Roll, Rents, Common Office Fees, and Profits Apprendre, in such Manner, Form, State and Condition, as they and every of them should or might have done, in Case there had been no such Office or Inquisition found; and as they should, or lawfully might or ought to have done, in Case such Lease, Interest by Copy of Court-Roll, Rent, Common Office Fee, or Profit Apprendre, had been found in such Office or Inquisition; any Law, Custom or Usage to the contrary heretofore used in such Cases, in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That where it is, or shall be hereafter untruly found by Office or Inquisition, that any Person or Persons Attainted, or that shall be Attainted of Treason, Felony, or Præmunire, is, or shall be Seized of any Lands, Tenements, or Hereditaments, at the time of such Treason, Felony or Offence committed or done, or any time after, whereunto any other Person or Persons hath, or shall have any just Title or Interest of any Estate of Freehold; that then, and in such Case, every Person and Persons grieved thereby shall have his or their Traverse, or Monstrans de droit to the same, without being driven to any Petition of Right, and like Remedy, and Restitution upon his or their Title, found or judged for him or them therein, as hath been accustomed and used in the Cases of Traverse, although the King's Majesty, his Heirs or Successors, be, or shall be in such Case intituled to any such Lands, Tenements, or Hereditaments, by double Matter of Record, any Law, Custom or Usage, to the contrary in any wise notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That this Act, or any thing therein contained, shall not in any wise extend to any Inquisition or Office, taken or found, or which shall be taken or found before the Twenty-ninth Day of September, in the Year of Our Lord, One thousand, Six hundred, and Ninety-

eight; nor to hinder, prejudice or take away the Titles, Interest or Possession of our Sovereign Lord the King, or of any other Person or Persons grown or come by Vertue, Mean, or Occasion of any Inquisition or Office, taken or found before the same Day; but that as well our said Sovereign Lord the King, as all other Person or Persons, having any Title, Interest or Possession, by Vertue, Mean, or Occasion of any Inquisition or Office, found before the Twenty Ninth Day of September, One thousand six hundred ninety eight; shall and may Have, Hold and Enjoy the same in like Manner and Form, as though this Act had never been made, any thing in the same contained to the contrary in any wise notwithstanding.

Provided also, and be it Enacted by the Authority aforesaid, That in all such Cases where any Person or Persons shall be Enabled by this Act, to have any Traverse, and shall pursue his or their Traverse; that then he or they that shall pursue such Traverse, shall Sue on Writ, or several Writs of Scire Facis, (as the Case shall require) against all and singular such Person or Persons, as shall have Interest by the King, or by His Patent or Patents, in like Manner and Form as is requisite upon Traverses, or Petitions heretofore pursued, and that in every such Scire Facias, the Patentees or other Defendants, shall have like Pleas and Advantage, as they had in any Scire Facias, before this time awarded against any Patentee in any Case of Petition: And also, that upon every Traverse that shall be pursued by Vertue or Mean of this Act, in such Case as the Party or Parties that shall pursue any such Traverse, should by the Order of the Common Laws of this Realm, have been put to Sue by Petition to the King; there shall be two Writs of Search Granted in Manner and Form, as like Writs have been Granted upon Petition made to the King.

Provided also, and it is further Enacted by the Authority aforesaid, That if after any Judgment shall be given upon any Traverse that shall be Tendered, or Sued by Vertue or Mean of this Act; it shall appear by any Matter of Record, That the King hath any other former Title, Right or Interest to the Mannors, Lands, Tenements, or other Hereditaments, mentioned in the same Traverse, that the same Title, Right and Interest, shall be Saved to the King, the said Traverse and Judgment thereupon given in any wise notwithstanding.

CHAP.

CHAP. XI.

An ACT againſt deceitful, diſorderly and exceſſive Gaming.

WHEREAS all Lawful Games and Exerciſes ſhould not be otherwiſe Uſed, than as Innocent and Moderate Recreations; and not as conſtant Trades and Callings to gain a Living, and make Unlawful Advantages thereby.

And whereas by the Immoderate Uſe of them, many Miſchiefs and Inconveniencies do ariſe, and are daily found, to the Maintaining and Encouraging of ſundry Idle, Looſe, and Diſorderly Perſons, in their Diſhoneſt, Lewd and Diſſolute Courſe of Life; and to the Circumventing, Deceiving, Couzening and Debauching of many of the Younger ſort, both of the Nobility and Gentry, and others, to the Loſs of their Time, and the utter Ruin of their Eſtates and Fortunes, and withdrawing them from Noble and Laudable Imployments and Exerciſes.

Be it therefore Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons of any Degree or Quality whatſoever, at any time or times after the Twenty Fifth Day of December, which ſhall be in the Year of our Lord God, One thouſand ſix hundred ninety eight; do, or ſhall by any Fraud, Shift, Couzenage, Circumvention, Deceit or unlawful Device, or ill Practice whatſoever, in playing at, or with Cards, Dice, Tables, Tennis, Bowls, Kittles, Shovel-Board, or in, or by Cock-Fighting, Horſe-Races, Dog-Matches, or Foot-Races, or other Paſtimes, Game or Games whatſoever; or in, or by bearing a ſhare or part in the Stakes, Wagers or Adventures; or in, or by Betting on the Sides or Hands of ſuch as do, or ſhall Play at, Ride or Run as aforeſaid; Win, Obtain or Acquire to him or themſelves, or to any other or others, any Sum or Sums of Money, or other valuable thing or things whatſoever; that then every Perſon and Perſons ſo Offending as aforeſaid, ſhall Ipſo Facto, Forfeit and Loſe treble the Sum or Value of Money, or other thing or things ſo Won, Gained, Obtained, or Acquired, the one Moyety thereof to our Sovereign Lord the King, His Heirs and Succeſſors, and the other Moyety there-

of, unto the Person or Persons Grieved, or who shall Lose the Money, or other thing or things so Gained, so as every such Loser and Person Grieved in that behalf, do, or shall Prosecute and Sue for the same, within Six Calender Months next after such Plea; and in default of such Prosecution, the same other Moyety to such other Person or Persons as shall or will Prosecute or Sue for the same, within one Year next after the said Six Months are Expired; and that the said Forfeitures shall or may be Sued for, or Recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts at Dublin, wherein no Essoyn, Protection, or Wager of Law shall be allowed. And that all and every such Plaintiff or Plaintiffs, Informer or Informers, shall in every such Sute and Prosecution, Have and Recover his and their treble Costs, against the Person Offending and Forfeiting as aforesaid, any Law, Statute, Custom or Usage, to the contrary in any wise notwithstanding.

And for the better avoiding and preventing of all Excessive and Immoderate Playing and Gaming for the time to come,

Be it further Ordained and Enacted by the Authority aforesaid, That if any Person or Persons shall at any time or times after the said Twenty Fifth Day of December, One thousand six hundred ninety eight, Play at any of the said Games, or any other Pastime, Game or Games whatsoever (other than with and for ready Money) or shall Bett on the Sides or Hands of such as do or shall Play thereat, and shall Lose any Sum or Sums of Money, or other thing or things so Played for at any time or times whatsoever, upon Ticket or Credit, or otherwise, and shall not Pay down the same at the time when he or they shall Lose the same; the Party or Parties who Loseth or shall Lose the said Moneys, or other thing or things so Played or to be Played for, shall not in that Case be Bound or Compelled, or Compellable to Pay or make good the same; but the Contract and Contracts for the same and for every part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements and other Acts, Deeds and Securities whatsoever, which shall be Obtained, Made, Given, Acknowledged or Entred into, for Security or Satisfaction, of or for the same, or any part thereof, shall be utterly Void and of none Effect: And that the Person or Persons so Wining the said Moneys or other Things, shall Forfeit and Lose Treble the Value of all such Sum and Sums of Moneys, or other thing and things which he shall so Win, Game,

Obtain

Obtain or Arreſted upon Trick or Credit as aforeſaid, the one Moyety thereof to our Sovereign Lord the King, His Heirs and Succeſſors, and the other Moyety thereof to ſuch Perſon or Perſons as ſhall Proſecute or Sue for the ſame, within One Year next after the time of ſuch Offence committed; and to be Sued for by Action of Debt, Bill, Plaint or Information, in any of His Majeſty's Courts of Record at Dublin, wherein no Eſſoyn, Protection or Wager of Law ſhall be allowed: And that every ſuch Plaintiff and Plaintiffs, Informer or Informers, ſhall in every ſuch Sute and Proſecution, Have and Receive his Treble Coſts againſt the Perſon and Perſons Offending and Forfeiting as aforeſaid; any Law, Cuſtom or Uſage to the contrary notwithſtanding.

CHAP. XII.

An ACT for Planting and Preſerving Timber-Trees and Woods.

FORASMUCH as by the late Rebellion in this Kingdom, and the ſeveral Iron-Works formerly here, the Timber is utterly Deſtroyed; ſo as that at preſent there is not ſufficient for the Repairing the Houſes Deſtroyed, much leſs a proſpect of Building and Improving in after times, unleſs ſome means be uſed for the Planting and Increaſe of Timber-Trees.

Be it therefore Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all and every Perſon and Perſons being a Reſident or Reſidents within this Kingdom, or who having any Eſtate of Free-hold and Inheritance therein, Kept or Imployed under his, her, or their Stock, to the Value of Ten Pounds by the Year; and every Tenant for Years, who has Eleven Years of his or her Term unexpired, and who Pays Ten Pounds by the Year Rent, or more, ſhall from and after the Five and Twentieth Day of March, which will be in the Year of our Lord, One thouſand ſeven hundred and three, Plant, or cauſe to be Planted at ſeaſonable Times Yearly, and every Year during the Term of Thirty One Years, Ten Plants of Four Years Growth, or more, of Oak, Firr, Elm, Aſh, Walnut, Poplar, Abeal or Elder, in ſome Ditch or elſewhere, on the ſaid Lands; and the ſame ſo Planted ſhall from time to time preſerve from Deſtruction. And all and eve-

ry Perſon or Society having Iron-Works, ſhall Plant or cauſe to be Planted in Ground ſufficiently and well Incloſed for that purpoſe, Five Hundred Trees of the aforeſaid Sorts, or ſome of them Yearly, and every Year during ſuch Time and Term, as he or they ſhall keep or have the ſaid Iron-Works.

And be it further Enacted, That every Perſon and Perſons, Holding in his, her or their Occupation, Five Hundred or more Acres of Land, Plantation Meaſure, other than Tenants in common, ſhall over and above the aforeſaid Ten Trees within ſeven Years, from the Twentieth Day of November, One thouſand ſix hundred ninety eight, Incloſe with a good and ſufficient Fence of Stone, Wall, Ditch, Hedge, Pales or Rails, One Plantation Acre thereof, and therein, within the Term of Seven Years aforeſaid, ſhall Plant or cauſe to be Planted, One Plant which ſhall be at the leaſt of the Height of One Foot above the Ground, when Planted; and of the Age and Times before-mentioned, for every Ten Foot Square contained in ſuch Acre, in ſuch method as he, the or they ſhall think fit; and the ſaid Acre ſo Planted ſhall from time to time during the Term of Twenty Years, to be accounted from the time of Planting the ſame, preſerve and keep well and ſufficiently Fenced and Incloſed from Cattle.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon and Perſons, Bodies Politick or Corporate, who ſhall be Seized of any Lands of Inheritance, or by Dower, Courteſie, or as Creditors, whether Mortagees or others to whom an actual Poſſeſſion ſhall be given by Vertue of Judgment or Decree of any of the Four-Courts; ſhall be, and is by Vertue of this Act obliged and liable to the Planting of his, her or their Proportion of Two Hundred and Sixty Thouſand Six Hundred Trees of Oak, Elm, of Firr of the Age and Size aforementioned Yearly, and every Year during the Term of One and Thirty Years, to be accounted from the Twenty Fifth of March, One thouſand ſeven hundred and three, in ſuch Manner and Proportion, as herein after is expreſſed.

And be it further Enacted, That the Proportion of each County, County of a City, and County of a Town, of the ſaid Two Hundred and Sixty Thouſand Six Hundred Trees aforeſaid, is and ſhall be as herein after is Declared.

1. Antrim **County and** Carrickfergus, **Nine Thouſand Seven Hundred and Fifty.**

2. Ardmagh **County, Four Thouſand Seven Hundred and Fifty.**

3. Cather-

3. Catherlagh County, Three Thousand Two Hundred and Fifty.
4. Cavan County, Four Thousand Six Hundred.
5. Clare County, Seven Thousand Eight Hundred.
6. Cork County and City, Twenty Six Thousand Six Hundred,
7. Donegal County, Eight Thousand Three Hundred and Fifty.
8. Down County, Eight Thousand Four Hundred.
9. Dublin County (whereof the City and its Liberties, Twenty One Thousand Five Hundred) Thirty One Thousand Nine Hundred.
10. Fermanagh County, Four Thousand Five Hundred and Fifty.
11. Gallway County, (whereof on Gallway Town and Liberties, One Thousand Three Hundred) Eleven Thousand Eight Hundred.
12. Kerry County, Four Thousand Six Hundred.
13. Kildare County, Seven Thousand One Hundred and Fifty.
14. Kilkenny County (whereof on Kilkenny City and Liberties, Seven Hundred Nine Thousand.
15. King's County, Three Thousand Nine Hundred.
16. Leitrim County, Three Thousand Two Hundred and Fifty.
17. Limerick County (whereof on Limerick City and Liberties, One Thousand Three Hundred) Nine Thousand Six Hundred.
18. Londonderry County, City and Barony of Colerain, Six Thousand Five Hundred.
19 Longford County, Two Thousand Six Hundred.
20. Lowth County (whereof Drogheda and Liberties, Six Hundred and Fifty) Five Thousand Two Hundred.
21. Mayo County, Six Thousand Five Hundred.
22. Meath County, Twelve Thousand Three Hundred and Fifty.
23. Monaghan County, Four Thousand Five Hundred.
24. Queen's County, Three Thousand Nine Hundred and Fifty.
25. Roscommon County, Six Thousand Five Hundred.
26. Sligo County, Five Thousand Two Hundred.
27. Tipperary and Holy-cross, Eighteen Thousand Two Hundred.
28. Tyrone County, Six Thousand Five Hundred.
29. Waterford County (whereof on Waterford City and Liberties, One Thousand and Fifty) Six Thousand Five Hundred and Fifty.
30. West-meath County, Six Thousand Six Hundred.
31 Wexford County, Six Thousand Five Hundred.
32 Wicklow County, Three Thousand Two Hundred and Fifty.

And to the Intent that the Number of Trees hereby Appointed to be Planted in each County, County of a City, and County of a Town, throughout this Kingdom, may be equally and indifferently Divided upon the several Parts thereof,

Be it Enacted by the Authority aforesaid, That the Grand-Jury, at the Summer-Assizes, which will be in the Year of our Lord, One thousand seven hundred and two, shall and may, and are, by Force and Vertue of this Act, Required to Apportion the Number of Trees to be Planted within such County, on each respective Barony therein: And, after such Apportionment made, shall Subdivide the Proportion of each Barony into the several Parishes therein: Which Apportionment and Subdivision, shall be Signed by the said Grand-Jury, and Read in open Court, after the Presentments for the said County shall be Read. And if no Cause appear to the said Grand-Jury, for Altering any of the aforesaid Apportionments upon Reading the same, which the said Grand-Jury are hereby Impowered to do, if the same appear Reasonable to them; then, and from thenceforth, the said Apportionment first Made, or the same so Amended, shall be, and is, by Vertue of this Act, Declared to be Conclusive. Which said Apportionment on each Barony and Parish, shall, within One Month after the last Day of the Assizes aforesaid, be Certified to the High-Constable of each Barony, respectively, within the said County, by the Clerk of the Crown for such County, under his Hand, without Fee or Reward.

And be it further Enacted, That ther espective High-Constables, within One Month after their Receiving such Apportionments, as is aforesaid, shall Certify and Deliver to the Ministers and Church-Wardens of each Parish, under his Hand, without Fee or Reward, the Number of Trees Presented by the said Grand-Jury, to be Proportioned to be Planted within such Parish: Which said Minister and Church-Wardens, within One Month after Delivery of such Certificate to them, as is aforesaid, shall Summon a Vestry of the said Parish, where the Number of Trees which shall be the Proportion of each Person within the said Parish, or having or holding any Land therein, shall be Agreed and Adjusted.

Provided always, That no Person or Persons be charged or chargeable with the planting any Tree or Trees, by Vertue of this Act, otherwise than on Account, and with respect to what Land he, she or they Possess, Occupy or Enjoy; but that the said Lands shall and do remain chargeable therewith Yearly, and every Year during the Continuance of this present Act. And for the greater Encouragement of Planting,

Be it Enacted by the Authority aforesaid, That all and every Person and Persons having Lands in Dower, Jointure or by Courtesie; or who shall have an actual Possession, as Mortgagees, or as Creditors by any other Ways or Means, who shall in Execution of this Act, Plant any Number of Trees; such Person and Persons, their and every of their Executors and Administrators, shall and may Demand and Receive from every Person and Persons to whom the Reversion, Remainder, or other Right and Title of such Lands, shall come after the Determination, or other Avoidance of the Interest of such Person who Planted the said Trees, the Sum of Two Pence for each Tree Planted by Force and Vertue of this Act; and which shall upon the Determination or Avoidance of his, her or their Interest, be found Growing on the said Lands, in good Condition for Timber, not being Cut, Broken or Thinted, but well Fenc'd, and Preserved according to the Intent and Meaning of this Act.

And be it further Enacted, That it shall and may be Lawful, to and for the Justices of the Peace herein after appointed, to Issue Warrants under their Hands and Seals, Directed to the High-Constable of the Barony, or Petty-Constable of the Parish wherein such Person Resides, who ought to Pay the said Two Pence per Tree, for Levying the same by Distress, if need be, and Sale of the Goods so Distrained, Rendring to the Owner of such Goods the Overplus, if any be, after the said Two Pence per Tree shall be Paid, and Reasonable Charges for Distraining first Deducted: Which said Warrant shall be Granted without Fee or Reward.

Provided always, That no such Warrant shall be made, till first the Person or Persons claiming the said Two Pence per Tree, shall by himself or some other credible Person, make Oath, That the same has been demanded from the Person to whom the Possession and Right of the said Lands are come; and shall likewise make appear by the Oath of two or more credible Witnesses, the Number of Trees Standing, Growing and Planted on the said Lands, by Vertue of this Act, with the Condition they are in: Upon which Proof so made, if the Person from whom the said Two Pence per Tree was Demanded, or some one in his behalf do not appear, the said Justices shall proceed as to them shall seem just and equitable: And if the said Person on whom the said Demand is, or any Person on his behalf shall appear before the said Justices; then, and in such case, the said Justices shall and may make and give such Definitive Sentence and Judgment, as the Case Requires, upon

Proof heard on both sides, and the same shall cause to be Executed by Warrant as aforesaid.

And be it further Enacted, That every Leassee for Years, who shall not have a Term of at least Twenty Years unexpired at the time of his Planting such Acre, as is herein and hereby exprest; shall and may detain in his Hand Yearly, and every Year during the Continuance of his Term, the Sum of Ten Shillings towards the Maintaining and Supporting the Fence of the said Acre, over and above the Yearly Value of the said Acre of Land: Which said Ten Shillings Yearly, and the Yearly Value of the said Acre, shall be allowed as Payment in his Rent for so much, and shall be Pleadable in all and every His Majesty's Courts of Law, and this Act and the special Matter given in Evidence.

And forasmuch as the good Effects of Planting, intended by this Act, will in great measures be Frustrated, unless due care be taken of all Trees Planted pursuant thereunto.

Be it further Enacted by the Authority aforesaid, That no Possessor, Tenant or Occupier of any Land Inclosed and Planted by Vertue of this Act, shall for the Term of Twenty Years, suffer Sheep or Cattle of any sort, to Graze or Trespass the Land so Inclosed, under the Penalty of Twenty Shillings for every such Grazing or Trespass, as is aforesaid, to be Levied as other Penalties are herein after directed; the One Moiety thereof to the Use of the Informer, and the other Moiety to the Use of the Poor of the Parish wherein the said Offence shall be committed.

And be it further Enacted by the Authority aforesaid, That no Person whatsoever shall strip Bark from any growing or standing Tree whatever, or shall Cut, Make or Sell any Goads made of Oak; or shall Cut or Place at their Doors or elsewhere, any Green Trees, commonly called May-Bushes; or shall keep any Goat or Goats other than in Mountains, under the Penalty of Forfeiting the same, and likewise of Paying the Sum of Twenty Shillings for every such Offence, to be Levied as herein is after directed; the one Moyety thereof to the Informer, and the other Moyety to the Poor of the Parish, where such Person so Offending shall be apprehended.

And whereas the Bark of standing Trees has been heretofore usually stript, for Tanning Hides of Stolen Cattle, in Boggs and other private Places; and for Dying Linnen Yarn, Thread and Skins, by Persons in private Houses. For Remedy whereof for the future,

Be it Enacted by the Authority aforesaid, That from and after the Twentieth Day of November, One thousand six

ſix hundred ninety eight, no Broag-maker or other Perſon whatſoever, other than Publick and known Tanners, do Tan or keep in Lime or other Pits, in order to Tanning any Hide or Hides, Skin or Skins whatever; and that no Spinner, Weaver, Skinner or other Perſon whatever, not being a known Dyer, and Exerciſing the Trade of a Dyer, ſhall Colour or Dye any Linnen Yarn, Thread, Skins or Gloves, with the Bark of any Tree, or of ſuch Colour as is uſually Dyed with the Bark of any Tree growing in this Kingdom, under the pain of ſuch Fine, not exceeding Forty Shillings for any one Offence, as the Juſtices herein after appointed ſhall Impoſe.

And whereas ſeveral Idle and Vagrant Perſons do uſually Cut down or Grub up Trees by the Roots, upon Preſumption that ſuch Offence being no more than Treſpaſs, they may eſcape Puniſhment. For Remedy whereof,

Be it Enacted, That from and after the Twentieth Day of November, One thouſand ſix hundred ninety eight, every Perſon and Perſons, who between Sun-Riſing and Sun-Setting, ſhall Saw or otherwiſe Cut down any Tree or Trees, not being thereunto Authorized by the Perſon who has a Right to ſuch Tree or Trees, ſhall for every ſuch Offence, Forfeit to the Owner of ſuch Tree or Trees, Treble the Value of ſuch Tree or Trees, the ſame to be Aſcertained by the Juſtices in their Publick Seſſions; and ſhall Pay as a Fine for every ſuch Tree or Trees ſo Cut or Grubbed up, ſuch Sum not exceeding Forty Shillings, nor under Five Shillings, as to the ſaid Juſtices ſhall ſeem Reaſonable. And in caſe the ſaid Perſon or Perſons ſhall refuſe or not be able to Anſwer the Damages, and Pay the Fine Impoſed by the ſaid Juſtices; then and in ſuch caſe, the ſaid Juſtices in open Seſſions, ſhall by Warrant under their Hands and Seals, commit ſuch Perſon or Perſons to the Houſe of Correction, for any time not exceeding or under Three Months; there to remain at hard Labour, and having due Correction according to Law.

And where any Perſon or Perſons ſhall after Sun-ſetting, and before Sun-riſing, Saw, Cut down or Grub up any Tree or Trees, ſuch Perſon and Perſons ſhall by the next Juſtice of the Peace, be committed to the County Goal as a Felon, and ſhall being thereof Convict, ſuffer all the Pains and Penalties of Felony.

And whereas divers Perſons do Hire themſelves to Work in Noblemens, Gentlemens, or Nurſerymens Gardens, with deſign to Steal from thence Trees, Plants, Greens or Flower-Roots, or to give Notice to their

Accomplices, how, and at what times they may Steal the same. For Remedy whereof,

Be it Enacted, That all and every Person, who shall be taken with or found, Having or Selling any sort of Fruit-Trees, Nursery-plants, Flower-trees, Green plant Flowers with their Roots, or their Roots alone, or any quantity of Fruit; such Person not having a Nursery, Flower-Garden or Orchard, of his or her own, or who does not publickly follow the Trade of Buying and Selling Fruit; or who shall be taken with Bee-hives with Honey or Combs in them; or with fresh Honey in Combs, and not keeping Bees of his or her own, shall be obliged to Prove how he or she came by the same; and upon failure of such Proof, shall be deemed and taken to be Guilty of Stealing; and upon Tryal in Case of such failure, shall be Convict of such Offence, and suffer all the Penalties which by Law ought to be Inflicted on such Offence. And to the intent that this so necessary a Law may be put in due Execution,

Be it Enacted by the Authority aforesaid, That the Justices of the Peace of that County, at their Sessions of the Peace, may and shall from time to time after the Twentieth Day of November, One thousand six hundred ninety eight, have full Power and Authority to Execute all and every part of this Act. And the said Justices as aforesaid, shall and may, and are hereby required after the Twenty Fifth of March, One thousand, seven hundred and three, at their respective Quarter-Sessions, to Hear and finally Determine all Controversies that shall or may arise between Party and Party, by reason of this Act, shall be Heard and finally Determined by the said Justices. And to the intent that every Person and Persons may be punished, who shall neglect or refuse to plant such Number of Trees, and the same to preserve pursuant to the Intent and Meaning of this Act, which he, she or they are obliged to.

Be it Enacted by the Authority aforesaid, That at every Michaelmas Sessions, to be Held as aforesaid, after the Twenty Fifth Day of March, which will be in the Year of our Lord, One thousand seven hundred and three, all and every the High-Constables and Petty-Constables of each County within this Kingdom, pursuant to a Precept to be Directed to the several High-Constables, by the Clerks of the Peace of the respective Counties within this Kingdom (which Precept, the said Clerk of the Peace is hereby required to Issue at least Ten Days before such Sessions, under the Penalty of Forty Shillings for every Default) shall give in a Return in Writing upon Oath, under the Penalty of Forty Shillings, for each and every Failure herein respectively, of

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the Names, with the Places of Abode of every Person within their respective Baronies or Constableweiks; who are hereby obliged to plant the Ten Trees, the Five Hundred Trees, and the Acre aforementioned; together with the Names of the Lands, for or by reason whereof, every Person is obliged to plant the Proportion annext to his or her Name; and likewise the Proportion of the Two Hundred and Sixty Thousand Six Hundred Trees, to be Yearly planted by each respective Inhabitant obliged to plant the same; together with his and their Name, and place of Abode, and that each Petty-Constable within his respective Parish, has given or caused to be given Notice to every such Person as is aforesaid, of his, her or their being so returned to the said Sessions: And that whilst the Court is sitting, the Clerk of the Peace shall openly Read all the said Returns, so as that every Person may know what Number of Trees, he, she or they are obliged to plant that Year. And likewise, That if any Person or Persons shall find him, her or themselves aggrieved, by being Returned for Lands which are not Enjoyed, nor do any ways belong to him, her or them, such Relief therein may be ordered by the said Justices, as to them shall seem just and reasonable.

And be it further Enacted, That at every Easter Sessions, the Returns made and allowed the preceding Michaelmas Session, shall again be openly Read and called over in Court; and that all and every Person, who upon the Second Call of his or her Name, shall not by his or her Oath, or by Certificate of some One of the Justices of it, having appeared to him by the Oath of that of in the Parish of had that Year Planted or caused to be Planted, Trees, pursuant to this Act (which said Certificate every Justice is required to give Gratis, upon the Oath of the Party, or of One credible Witness) make appear, that he, she or they have Planted in that Year, the Number of Trees to which he, she or they were obliged by Vertue of this Act, shall be Deemed and Adjudged not to have Planted the same; and shall for each Ten Trees which such Person or Persons have so neglected to Plant, Forfeit the Sum of Ten Shillings; for each Five Hundred Trees as is aforesaid, the Sum of Five pounds; and for each Acre not Inclosed and Planted, the Sum of Five pounds; the said respective Fines to be Imposed each Easter Sessions Yearly, and every Year until such Person or Persons having so made Default, shall make proof of his or her having Planted his or her Proportion of Trees, and preserved the same pursuant to the true Intent and Meaning of this Act.

And be it further Enacted, That the Clerk of the Peace shall enter into a Book, to be prepared for that purpose, every Oath so made, and Certificate so produced; For which said Entry, the Person making the said Oath, or producing the Certificate, shall pay Three pence and no more. And for the better Encouragement of all Persons, who by Vertue of this Act, are or may be obliged to Plant the said Ten Trees Yearly, so to Fence and Preserve the same, as that the Publick may Reap the Benefit thereof, by the Increase and Growth of Timber within this Kingdom.

Be it Enacted by the Authority aforesaid, That every Person Planting in any one Year any Number of Trees of the several Kinds appointed by this Act, and procuring to be Registred a Certificate thereof as is aforesaid, shall be thereby Indempnified from the Penalties of this Act, for so long time as such Number of Trees shall answer the Ten Trees to be Yearly Planted.

Provided, That none of the said Trees be Planted pursuant to any other Obligation or Clause in this Act.

Provided also, That every such Person being a Tenant for Term of Years, do preserve the said Trees, till the Expiration of his Lease.

And be it further Enacted, That no Person or Persons whatsoever be Assessed, Rated or Required to Plant any Number of Trees, otherways or on any other Account, than for or by reason of Land held by him, her or them; but that from and after such Person and Persons Term or Interest in such Land, by Vertue whereof, he, she or they become Obliged to Plant such Trees, shall cease and determine; such Person and Persons shall be, and are hereby Declared to be free and exempted from all Obligations of Planting, by reason of such Land, and his, her or their Interest therein; and from all the Penalties of this Act by reason thereof.

Provided always, That such Land and the Occupiers, Possessors and Proprietors thereof, shall from time to time, and at all times, during the Continuance of this present Act, be and remain liable to the planting the Number of Trees herein and hereby required to be planted after the same manner as if such Occupiers, Possessors or Proprietors, had been first presented to have planted the same; any thing herein contained to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That all Penalties and Fines Incurred and to be Levyed by Vertue of this Act, shall and may be Levyed by Distress and Sale of Goods, if need be, or by Committal of the Person where no Distress can be found, by Warrant under the Hand and Seal, of Two or more of the said

ſaid Juſtices as aforeſaid: And that all Fines and Forfeitures ſo Levyed, and not herein or hereby otherwiſe diſpoſed of, ſhall be applyed to the Encouragement of the Linnen and Hempen Manufactures, and for defraying the neceſſary Charge of the ſeveral Seſſions, the ſame to be diſpoſed of to the Uſes aforeſaid, according to the Directions and Orders of the ſaid Juſtices as aforeſaid, which ſhall be made by them in open Seſſions. And to the end that all manner of Perſons may be throughly Informed of the Contents and Tenor of this Act;

Be it further Enacted, That all Juſtices of Goal-Delivery, ſhall at each reſpective Aſſizes, give the ſame in Charge, and ſhall cauſe the Clerk of the Crown or his Deputy, after the Charge given, to Read this Act in open Court with an audible Voice, Silence being firſt commanded.

CHAP. XIII.

An ACT to prevent Papiſts being Solicitors.

WHEREAS by a Statute made in England, in the Seventh Year of His preſent Majeſty's Reign, Intituled, An Act for requiring the Practiſers of the Law to take the Oaths, and Subſcribe the Declaration therein mentioned: The common Solicitors in that Kingdom, are obliged to take the Oaths and Subſcribe the Declaration as aforeſaid. Which ſaid Act hath been found to be a general Good to his Majeſty's Subjects in England.

And whereas by Experience in this Kingdom, it hath been always found, that Papiſts Solicitors have been, and ſtill are the common Diſturbers of the Peace and Tranquility of His Majeſty's Subjects in General.

And whereas at this time there are great Number of Papiſt Solicitors and Agents, practiſing within the ſeveral Courts of Law and Equity in this Kingdom; by whoſe Numbers, and the daily Increaſe of them, great Miſchiefs and Inconveniencies are likely to enſue, to the Prejudice and Diſquiet of His Majeſty's Subjects.

For Remedy whereof, Be it Enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That from and after the Firſt Day of March, in this preſent Year of Our Lord, One thouſand, Six

hundred, Ninety-eight, no Perſon or Perſons ſhall practiſe or act as Solicitor in any Court of Law or Equity, or as Agent or Manager in any Cauſe or Sute in Law or Equity, or as Seneſchal, or Solicitor, in all or any the Courts or Offices in this Kingdom, not having firſt taken the Oaths, and ſubſcribed the Declaration following.

I *A. B.* do ſincerely promiſe and ſwear, That I will be faithful, and bear true Allegiance to His Majeſty King WILLIAM.

So help me GOD.

I *A. B.* do ſwear, That I do from my Heart abhor, deteſt and abjure, as impious and heretical, that damnable Doctrine and Poſition that Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be depoſed or murthered by their Subjects, or any other whatſoever. And I do declare, That no Foreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have any Juriſdiction, Power, Superiority, Pre-eminence or Authority, Eccleſiaſtical or Spiritual, within this Realm.

So help me GOD.

I *A. B.* do ſolemnly and ſincerely, in the Preſence of God, profeſs, teſtify and declare, That I do believe, That, in the Sacrament of the Lord's-Supper, there is not any Tranſubſtantiation of the Elements of Bread and Wine into the Body and Blood of CHRIST, at, or after the Conſecration thereof, by any Perſon whatſoever; and, That the Invocation and Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Rome*, are ſuperſtitious and idolatrous. And I do ſolemnly, in the Preſence of God, profeſs, teſtify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by *Proteſtants*, without any Evaſion, Equivocation or mental Reſervation, whatſoever; and without any Diſpenſation, already granted me for this Purpoſe, by the Pope, or any other Authority or Perſon whatſoever, or without Diſpenſation from any Perſon or Authority whatſoever; or without believing that I am, or can be acquitted before God or Man, or abſolved of this Declaration, or any Part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever ſhould diſpenſe with, or annul the ſame, or declare, That it was Null and Void from the Beginning.

And that any Perſon who ſhall practiſe as aforeſaid, before he ſhall have taken the ſaid Oaths, and ſubſcribed the ſaid Declaration, contrary to the Purport and Meaning of this Act, ſhall for every ſuch Offence forfeit the Sum of One hundred Pounds, to be recovered by ſuch Perſon or Perſons as will Sue for the ſame, in any of His Majeſty's

jesty's Courts of Record, by Writ, Bill, Plaint or Information; in which no Essoyn, Privilege, Protection or Wager of Law shall be allowed: And every Person lawfully convicted of such Offence by such Sute, shall from thencefoyth be uncapable to be Executors or Administrators; or to take any Benefit by any Legacy, Gift, Grant of any Lands, Tenements, Hereditaments, Goods or Chattles whatsoever.

And be it further Enacted by the Authority aforesaid, That no Person or Persons shall, from and after the First Day of March, One thousand, Six hundred, Ninety-eight, Act as Solicitor, Agent, or Manager in any Cause or Sute, that is, or shall be depending in the Four-Courts of Dublin, or in any other Courts of Record, or as Seneschal, or Solicitor in the said Courts, or in any other of the Courts or Offices in this Kingdom; but such Person or Persons only, who shall first take the said Oaths, and subscribe the said Declaration, and shall also educate all his Children in the Protestant Religion.

Provided always, That nothing in this Act contained, shall be taken to extend to prohibit any Person or Persons, Plaintiff or Defendants, in his or their own Sute or Sutes only, or to any Menial Servant acting as such for his Master, in his Sute or Sutes only, in any of His Majesty's Courts of this Kingdom, and for no other Person whatsoever.

Provided always, That nothing in this Act contained, shall be taken to extend to hinder any Person or Persons that was, or were known as professed common Solicitor, Manager or Agent, in any Cause or Causes, Sute or Sutes in any of the Courts of this Kingdom, in the Reign of the late King Charles the Second; and that hath or have been, or shall be adjudged to be comprehended within the Articles of Limerick, made upon the Surrender thereof to His Majesty's Obedience, any thing in this Act contained to the contrary hereof, in any wise notwithstanding.

CHAP. XIV.

An ACT for Determining Differences by Arbitration.

WHEREAS it hath been found by Experience, That References made by Rule of Court, hath contributed much to the Ease of the Subject, in determining of Controversies, because the Parties become thereby o-

bliged to perform the Award of Arbitrators chosen by themselves, under the Penalty of Imprisonment for their Contempt, in Case they refuse to perform the same.

Now for promoting Trade, and rendring the Awards of Arbitrators the more effectual in all Cases, for the Final Determination of Controversies referred to them by Merchants and Traders, or others, containing Matters of Account or Trade, or other Matters.

Be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the First Day of March, which shall be in the Year of our Lord, One thousand, Six hundred, Ninety-eight, it may be lawful for all Merchants, Traders, and others, desiring to end by Arbitration, any Controversy, Sute or Quarrel; Controversies, Sutes or Quarrels; for which there is no other Remedy but by personal Action or Sute in Equity to agree, that their Submission of the Matter to the Award or Umpirage of any Person or Persons, should be made a Rule of any of His Majesty's Courts of Record, which the Parties shall chuse, and to insert such their Agreement in their Submission, or the Condition of the Bond or Promise, whereby they oblige themselves respectively, to submit to the Award or Umpirage of any Person or Persons: which Agreement being so made, and inserted in their Submission or Promise, or Condition of their respective Bonds, shall or may, upon producing an Affidavit thereof made by the Witnesses thereunto, or any one of them, in the Court of which the same is agreed to be made a Rule, and Reading and Filing the said Affidavit in Court, be entred of Record in such Court, and a Rule shall be thereupon made by the said Court, that the Parties shall submit to, and finally be concluded by the Arbitration or Umpirage, which shall be made by the Arbitrators or Umpire, pursuant to such Submission; and in Case of Disobedience to such Arbitration or Umpirage, the Party neglecting or refusing to perform or execute the same, or any Part thereof, shall be subject to all the Penalties by the Course and Practice of such Court, usually inflicted on such as Contemn a Rule of the said Court, made in a Cause depending therein; and the Court on Motion shall Issue Process accordingly; which Process shall not be stopt or delayed in its Execution, by any Order, Rule, Command or Process of any other Court, either of Law or Equity, unless it shall be made appear on Oath to such Court, that the Arbitrators or Umpire Mis-behaved themselves, and that such Award, Arbitration or Umpirage, was procured by Corruption or other undue Means.

And

And be it further Enacted by the Authority aforesaid, That any Arbitration or Umpirage procured by Corruption or undue Means, shall be Judged and Esteemed Void and of none Effect, and accordingly be set aside by any Court of Law or Equity; so as Complaint of such Corruption or undue Practice be made in the Court, where the Rule is made for Submission to such Arbitration or Umpirage before the last Day of the next Term after such Arbitration or Umpirage made and published to the Parties; any thing herein contained to the contrary notwithstanding.

CHAP. XV.

An ACT for the better Management and Disposal of the Lands set apart for the Support of the Fort of *Duncannon*.

WHEREAS in and by one Act Intituled, An Act for the better Execution of His Majesty's Gracious Declaration, for the Settlement of His Majesty's Kingdom of Ireland, and satisfaction of the several Interests of Adventurers, Soldiers, and other His Subjects there. It is among other things Enacted and Provided to the Effect following.

That the Commissioners for Execution of the said Act, should set out or cause to be set out so much of the Forfeited Lands as do amount unto the clear Yearly Value of Three Hundred Pounds per Annum, and are nearest adjacent, and lye most contiguous unto the Fort of Duncannon; which Lands so as aforesaid, to be set out, shall be reserved unto His Majesty, His Heirs and Successors, to the intent that the Rents, Issues and Profits thereof, may for ever be Imployed for and towards the better Support and Maintenance of the Fort aforesaid; and all and every the Adventurers and Soldiers, and other Repizable Persons to whom any of the said Lands so as aforesaid to be set out, have been heretofore Allotted or Disposed, shall be forthwith Repized out of some other Forfeited Lands of an Estate of equal Value, Worth and Purchase; any thing in the said Act contained to the contrary notwithstanding.

And whereas in Pursuance and Execution of the said Clause in the said Act; The said Commissioners have set out the several Forfeited Lands hereafter mentioned: That is to say, the Lands of Knockroe, and Passage, containing One Hundred Fifty Nine Acres, Crooke, Two Hundred Seventy Five Acres, New-town, containing Two Hundred Sixty Six Acres, Knocknegaple, containing Eighty Two Acres, Rahin, containing Ninety Four

Acres; and in Fatlegg, which were Retrenched by Captain Bolton, Two Hundred Seventy Two Acres, in the Barony of Gualtire, in the County of Waterford, or County of the City of Waterford, and reserved the same unto His late Majesty King Charles the Second, for the fulfilling and answering the Intents and Purposes aforesaid. And His said late Majesty hath by Letters Patents, bearing Date the One and Twentieth Day of May, in the One and Twentieth Year of his said late Majesty's Reign, Granted the same unto Richard Earl of Arran, Marcus Lord Viscount Dungannon, Sir John Temple Knight, then Master of the Rolls of this Kingdom, Sir Robert Byrone, and Sir Theophilus Jones, and the Heirs of the Survivor of them in Trust for, and to answer the Uses, Intents and Purposes aforesaid; and not any way for the Use, Benefit or Behoof of the said Patentees, or any of them, or any of their Heirs.

And whereas the Right Honourable Richard late Earl of Arran, one of the said Patentees, Survived all and every the said other Patentees, and became Seized of all and every the said Lands by Survivorship, to the Uses, Intents and Purposes aforesaid; and the same after the Decease of the said Earl, are Descended upon the Honourable the Lady Charlote Butler, only Daughter and Heiress of the said Earl, through whose Minority and usual Residence and Abode in England, the said Trusts and Purposes cannot be Performed, Executed or Discharged, as the publick Service requires; and thereby the said Fort cannot be so Supported and Repaired, nor the said Estate managed to the best Advantage, to answer the Ends aforesaid.

Be it therefore Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That the said Lands, and all the Estate, Right, Title and Interest, in, and to the said Towns and Lands above-mentioned, which came and descended to the said Lady Charlote Butler, Daughter and Heiress to the said Richard Earl of Arran, shall be, and hereby is and are Vested and Adjudged to be Vested in Philip Savage Esquire, Thomas Brodrick Esquire, Colonel William Ponsonby, Sir John Mason, and Allan Brodrick Esquire, their Heirs and Assigns, in the same manner, to all Intents, as the same before passing this Act were, in the said Lady Charlote Butler; and that the said Philip Savage, Thomas Brodrick, William Ponsonby, Sir John Mason, and Allan Brodrick, their Heirs and Assigns, shall Stand and be Seized thereof to the same Trusts, Intents and Purposes, as the said Charlote Butler stood Seized thereof, by, from and after the Decease of her said Father, and to no other Use, Trust or Purpose whatsoever.

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Saving to all Perſons whatſoever; and to all Bodies Politick and Corporate, all ſuch Poſſeſſion, Eſtate, Right, Title, Claim, Demand, Entry, Action or cauſe of Action whatſoever, in Law or Equity, as the ſaid Perſons had or might have had, if this preſent Act had not been made.

CHAP. XVI.

An ACT for Explaining ſome Doubts that may ariſe on the Expoſition of an Act paſſed this Seſſion of Parliament, Intituled, *An Act for Confirming Eſtates and Poſſeſſions, Held and Enjoyed under the Acts of Settlement and Explanation.* And alſo, for Amending ſome Words in an Act paſſed the laſt Seſſion of this preſent Parliament, Intituled, *An Act to hinder the Reverſal of ſeveral Outlawries and Attainders; and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the* French *King in* Europe.

WHEREAS by an Act of Parliament lately Enacted in this Kingdom, Intituled, An Act for Confirming Eſtates and Poſſeſſions Held and Enjoyed under the Acts of Settlement and Explanation; a Doubt hath ariſen whether the Eſtate, Right, Title, Chiefry or Intereſt whatſoever, of any Archbiſhop, Biſhop, Dean, Dean and Chapter, Prebendary, College, Parſon, Vicar, or other Spiritual Perſon, is, or may be Barred or Prejudiced by the ſaid Act. For clearing of which Doubt,

Be it Enacted and Declared by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, that nothing in the ſaid Act ſhall be taken, conſtrued or intended to Bar the Right, Title or Intereſt of any Archbiſhop, Biſhop, Dean, Dean and Chapter, College, Prebendary, or other Eccleſiaſtical Dignitary, Parſon, Vicar, or other Incumbent, or any of their Succeſſors, to any Lands, Tenements, Chiefries, Privileges, Royalties, or Hereditaments whatſoever, they or any of them were Intituled unto, at the time of paſſing of the ſaid Act; but that they and every of them, and their reſpective Succeſſors, ſhall have ſuch Right and Title, as they or any of them had, at or before the making the ſaid Act, and may be at liberty to Proſecute any Action, Com-

mence any Sute, Diſtrain or Purſue ſuch Methods for Recovery of ſuch their Right and Title, to any Lands, Tenements, Chiefries, Rent-Charges, Royalties or Privileges, as they or any of them might have done, at or upon the First Day of October, One thouſand ſix hundred ninety eight, any thing in the ſaid Receited Statute to the contrary notwithſtanding.

And whereas in one Act paſſed in this Parliament, Intituled, An Act to hinder the Reverſal of ſeveral Outlawries and Attainders, and to prevent the Return of Subjects of this Kingdom, who have gone into the Dominions of the *French* King in *Europe*; there is contained one Clauſe in the Words following;

And be it further Declared and Enacted by the Authority aforeſaid, that all and every the Eſtates, Rights, Titles, and interelts, either in Law or Equity, in or to any Lands, Tenements or Hereditaments, of any Perſon or Perſons being of the Proteſtant Religion, or profeſſing to be of the Proteſtant Religion, on or before the Twenty Seventh Day of July, One thouſand ſix hundred ninety ſeven, and hath continued ſo from that time hitherto, or till the time of his or their Death, ſhall be and remain of ſuch Force and Effect in Law or Equity reſpectively, and no other, than if this Act had not been made, any thing in this Act contained to the contrary notwithſtanding.

In which Clauſe, the Words following; that is to ſay, (the Twenty Seventh Day of July, One thouſand ſix hundred ninety ſeven) were by Miſtake Inſerted inſtead of the Words following; that is to ſay (the Twenty Seventh Day of July, One thouſand ſix hundred eighty nine) which Miſtake, will in great Meaſure Fruſtrate and Elude the Intention of that Clauſe in the ſaid Act.

Be it therefore Declared and Enacted by the Authority aforeſaid, That the ſaid Clauſe in the ſaid former Act ſhall alway hereafter be Conſtrued and Underſtood in the ſame manner as if the ſaid Words in the ſaid former Act, had been the Twenty Seventh Day of July, One thouſand ſix hundred eighty nine, inſtead of the Twenty Seventh Day of July, One thouſand ſix hundred ninety ſeven: And that the ſaid Clauſe in the ſaid former Act, ſhall not Extend, or be Conſtrued to Extend, to Save or Confirm any Eſtate, Right, Title or Intereſt, either in Law or Equity, of any Perſon or Perſons of the Proteſtant Religion, or that profeſſed themſelves to be of the Proteſtant Religion, in, or to any Lands, Tenements or Hereditaments, that did not Profeſs themſelves to be of the Proteſtant Religion, on or before the Twenty Seventh Day of July, One thouſand ſix hundred eighty nine; and have alſo continued ſo from that time hitherto, or till the time of his or their Death.

The End of King *WILLIAM's* ACTS.

ACTS
AND
STATUTES,
MADE IN A
PARLIAMENT,

Begun, at *DUBLIN*,

The Twenty-First Day of *September*, *Anno Dom.* 1703.
In the Second Year of the Reign of our Moſt Gracious Sovereign LADY

Queen *ANNE*,

BEFORE

His Grace *JAMES* Duke of ORMOND,
Lord Lieutenant General and General Governor of *IRELAND*. And continued by ſeveral Prorogations, until the Twelfth of *July*, 1711.

G. II. R.

DUBLIN:
Printed by GEORGE GRIERSON, Printer to the King's Moſt Excellent Majeſty, at the *King's Arms* and *Two Bibles* in *Eſſex-Street*, MDCCXXXIV.

Anno Regni Secundo Annæ Reginæ.

CHAP. I.

An ACT for an Additional Duty of Exciſe upon Beer, Ale, and other Liquors.

CHAP. II.

An ACT for Encouraging the Importation of Iron and Staves.

WHEREAS the great Duties laid on Foreign Iron are a great Diſcouragement to the Importation thereof, and tend to the Leſſening of Her Majeſty's Revenue, and to the Deſtruction of the Woods of this Kingdom.

And whereas there is great ſcarcity of all ſorts of Timber in this Kingdom, and the great Duties laid on Hoops, Bark, Laths, and on Staves Imported, for making Barrels, Pipes or Casks, are a great hindrance to the Importation thereof.

For the Remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, and by Authority of the ſame, That from and after the First Day of November, in the preſent Year of our Lord One thouſand ſeven hundred and three, all Duties payable by any Law, for unwrought Iron, Bark, Hoops, Laths, or for Barrel-Staves, Pipe-Staves, Headings, or other Staves or Timber, to be made uſe of for making Casks, ſhall wholly ceaſe and determine: And that from thenceforth there ſhall be Paid to Her Majeſty, Her Heirs and Succeſſors, for ſuch unwrought Iron, Bark, Hoops, Laths, Barrel-Staves, Pipe-Staves, Headings, or other Staves or Timber, to be made uſe of for making Cask, the Duties following, and no other; (that is to ſay) For every Tun of Iron to be Imported into this Kingdom, from and after the ſaid First Day of November, in the preſent Year of our Lord, One thouſand ſeven

hundred and three, the Sum of Five Shillings for Custom, and Five Shillings for Excise, and no more; and for every Thousand of such Barrel-Staves, Pipe-Staves, Headings, or other Staves, for making Cask, containing Six Score to each Hundred, to be Imported into this Kingdom, from and after the said time, the Sum of Six Pence Custom, and Six Pence Excise, and no more; and so proportionably for a greater or lesser Quantity; And for every Thousand of Hoops, or Laths, containing Six Score to the Hundred, to be Imported, as aforesaid, One Penny, and no more; and so proportionably for a greater or lesser Quantity: And for every Barrel of Bark Imported, as aforesaid, the Sum of One Penny, and no more.

And for the preventing the Exportation of Timber out of this Kingdom to any parts beyond the Seas, other than to the Kingdom of England, Be it further Enacted by the Authority aforesaid, That from, and after the said First Day of November, in the present Year of our Lord, One thousand seven hundred and three, there shall be Paid to Her Majesty, Her Heirs and Successors (over and above all Duties now payable for the same) the further Sum of Two Pounds Ten Shillings for every Tun of Timber, or Plank, which from, and after the said First Day of November, in the present Year of our Lord One thousand seven hundred and three, shall be Exported out of this Kingdom, to any part beyond Seas, other than to the Kingdom of England; and so proportionably for any greater or lesser Quantity; and for every Thousand of Hoops or Laths which shall be Exported out of this Kingdom to any parts beyond the Seas, (other than to the Kingdom of England,) the Sum of Five Shillings; and so proportionably for any greater or lesser Quantity; and for every Thousand of Pipe-Staves, Barrel-Staves, Headings, and other Staves for making of Cask, to be computed as aforesaid, which shall be Exported out of this Kingdom to any part beyond the Seas (other than into the Kingdom of England,) over and above all Duties now payable for the same, the further Sum of Three Pounds, and so proportionably for any greater or lesser Quantity.

And be it further Enacted, That all and singular the Duties and Sums by this Act granted shall be Paid, Collected, Levied, and Received by the same Persons, and by such Ways and Means, and in the same Manner, and under such Penalties, Provisoes, Restrictions and Regulations as in, and by One Act made in the Fourteenth and Fifteenth Years of his late Majesty King Charles the Second, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be paid upon Merchandizes Imported and Exported into, or out of the Kingdom of *Ireland*, according to a Book of Rates hereunto annexed. And another Act made in the same Year, Intituled, An Act for the Settling of the

the Exciſe, or New Impoſt, upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates therein inſerted, are directed and appointed, for the Paying, Collecting, Levying, and Receiving the Duties ſettled and granted by the ſaid Act.

Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend to impoſe, or to oblige the payment of any Duty for ſuch Timber as ſhall be made up in any Ship or Veſſel, as part of ſuch Ship or Veſſel, or to reſtrain the carrying or going of the ſame out of this Kingdom; but that all Timber ſo made up, as is aforeſaid, ſhall be wholly free and exempt from all the Duties impoſed and granted by this Act, any thing herein contained to the contrary in any wiſe notwithſtanding.

And whereas, by one Act made in the Tenth Year of his late Majeſty's Reign, Intituled, An Act for Planting and Preſerving Timber, Trees and Woods; It is Enacted, That all Perſons being Reſidents within this Kingdom, and having any Eſtate or Freehold and Inheritance therein, kept or employed under his, her or their Stock, to the value of Ten Pounds by the Year; and every Tenant for Years, who then had Eleven Years of his, or their Terms then unexpired, and who paid Ten Pounds by the Year Rent or more, ſhould Plant at ſuch times as are therein mentioned, a certain quantity of Oak, Firr, Elm, Aſh, Walnut, Poplar, Abeal, or Elder, which Word Elder was intended Alder.

Be it therefore, Enacted, That no Perſon or Perſons who hath or have Planted any Elder Trees, purſuant unto, and in performance of the ſaid Act, and is ſeized or poſſeſſed of any Lands within this Kingdom, ſhall be Excuſed from the Penalties in the ſaid Act; unleſs he or they ſhall at or before the Firſt Day of April, which will be in the Year of our Lord, One thouſand ſeven hundred and five, Plant ſo many Trees in lieu of the Elder Trees ſo by him or them Planted, of Oak, Elm, Firr, Aſh, Walnut, Poplar, Abeal or Alder.

CHAP. III.

An ACT to prevent Popiſh Prieſts from coming into this Kingdom.

WHEREAS great Numbers of Popiſh Biſhops, Deans, Fryers, Jeſuits and other Regulars of the Popiſh Clergy, do daily come into this Kingdom, from France, Spain, and other Foreign parts, under the Diſguiſe or Pretence of being Popiſh Secular Prieſts, with intent to ſtir up Her Majeſty's Popiſh Subjects to Rebellion; and for that ſufficient Proof to convict them cannot be had, they

have hitherto remained in this Kingdom, contrary to the Statute made in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, An Act for Banishing all Papists Exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy, out of this Kingdom; to the great prejudice of Her Majesty's Protestant Subjects, and to the hazard of the publick Peace.

For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by Authority of the same, That every Clergy-man of the Popish Religion, that shall come into this Kingdom at any time after the First Day of January, in this present Year of our Lord, One thousand seven hundred and three, shall be, and is hereby declared to be liable to such Penalties, Forfeitures, and Punishments, as by the said Act is Imposed on Popish Archbishops, Bishops, Vicars-General, Deans, Jesuits, Fryers, or any other Papists, Exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom, contrary to the said Act.

And be it further Enacted, That any Person who shall knowingly harbour, relieve, conceal, or entertain, any such Clergy-man of the Popish Religion as aforesaid, so coming into this Kingdom as aforesaid, shall be liable to such Penalties and Forfeitures as by the said Act is Imposed on the Harbourers, Relievers and Concealers of any Popish Archbishop, Bishop, Vicar-General, Dean, Jesuit, Fryer, or Regular Popish Clergy-man; and to be Levyed on them, and every of them, in the same manner, as by the said Act is directed.

And all Her Majesty's Justices of the Peace, Sheriffs, High and Petty-Constables, and all other Her Majesty's Loving Subjects are hereby required to use their utmost diligence, in apprehending all such Regular, or other Popish Priest, who shall come into this Kingdom, contrary to this Act.

And be it further Enacted, That if any Mayor, Justice of the Peace, or other Officer, shall neglect doing his or their Duty in Execution of this Act, every such Mayor, Justice of the Peace, and other Officer, shall for every such neglect, Forfeit the Sum of One Hundred Pounds, to be Recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Essoigne, or Wager of Law shall be allowed, nor more than one Imparlance; one Moyety thereof to the Queen's Majesty, Her Heirs and Successors; the other Moyety to the Informer, or Person that shall Sue for the same: And be disabled from serving as a Justice of the Peace during his Life.

And forasmuch as some Doubt hath arisen, where Persons returning, or coming, and offending contrary to the aforementioned Act, shall be Indicted and Tryed; Be it

Enacted

Enacted by the Authority aforeſaid, That all and every Perſon and Perſons, who have returned, or come, and offended, contrary to the ſaid Statute, or who ſhall at any time hereafter, return or come into this Kingdom, contrary to the true Intent, and Meaning of the aforementioned Statute, or ſhall come into this Kingdom, contrary to this preſent Act, ſhall and may be Indicted and Tryed for the ſame, in ſuch County of this Kingdom, wherein he or they ſhall be found and taken; or in any County where Her Majeſty, Her Heirs or Succeſſors, by Commiſſion under the Great Seal of this Kingdom, ſhall direct and appoint.

Provided, and be it Enacted, That this Act ſhall continue, and be in Force for Fourteen Years, and to the End of the next Seſſion of Parliament, after the Expiration of the ſaid Fourteen Years, and no longer.

CHAP. IV.

An ACT for continuing the Additional Duty of Exciſe on Beer, Ale and other Liquors: And for Granting an Additional Duty on Tobacco, and ſeveral other Goods and Merchandizes: And alſo a Tax of Four Shillings in the Pound on ſeveral Penſions and Grants therein mentioned: And for Building of Barracks in the City of *Dublin*.

CHAP. V.

An ACT to make it High-Treaſon in this Kingdom, to Impeach the Succeſſion of the Crown, as Limited by ſeveral Acts of Parliament.

FORASMUCH as the future Security of Your Majeſty's Proteſtant Subjects of this Kingdom doth (next under God) depend upon the Safety of Your Majeſty's Royal Perſon (whom God long preſerve to Reign over us) and upon the Succeſſion in the Proteſtant Line, as the ſame is limited by an Act of Parliament paſſed in England, Intituled, An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown; And by one other Act made in England in the Twelfth Year of the Reign of His late Majeſty King William the Third of Bleſſed Memory, Intituled, An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject: By which it is

Enacted, That the Imperial Crown and Government of the Kingdoms of England, France and Ireland, and of the Dominions thereunto belonging, with the Royal State and Dignity of the said Realms, and all Honours, Styles, Titles, Regalities, Prerogatives, Powers, Jurisdictions and Authorities to the same belonging and appertaining, should after the Deceases of His said Majesty, and of Her then Royal Highness the Princess Anne of Denmark (our now most Gracious Sovereign Lady Queen Anne) without Issue of Her Body, and for default of Issue of Her said Majesty, and of His said Majesty, respectively be, remain, and continue to the most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover, Daughter of the most Excellent Princess Elizabeth, late Queen of Bohemia, Daughter of Our late Sovereign Lord King James the First of happy Memory, and the Heirs of Her Body, being Protestants.

And forasmuch as it most manifestly appears that the Papists of this Kingdom, and other disaffected Persons, do still entertain hopes of disappointing the said Succession as the same stands limited; For Prevention whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That if any Person or Persons at any time from and after the First Day of February, in the Year of our Lord God One thousand seven hundred and three, shall endeavour to deprive or hinder any Person who shall be the next in Succession to the Crown for the time being, according to the Limitations in the before recited Acts mentioned, from succeeding after the Decease of Her Majesty (whom God long preserve) to the Imperial Crown of the Realm of England, and the Dominions and Territories thereunto belonging, according to the Limitations in the beforementioned Acts (that is to say) Such Issue of Her Majesty's Body as shall from time to time be next in Succession to the Crown, if it shall please God to Bless Her Majesty with Issue; and during the time Her Sacred Majesty shall have no Issue, the Princess Sophia Electoress and Dutchess Dowager of Hanover, and the Heirs Males of Her Body, being Protestants; and after the Decease of the said Princess Sophia, the next in Succession to the Crown for the time being, according to the Limitation of the said Acts; and the same maliciously, advisedly and directly shall attempt by any Overt Act or Deed, every such Offence shall be Adjudged High-Treason; and the Offender or Offenders therein, their Abettors, Procurers and Comforters, knowing the said Offence to be done, being thereof Convicted or Attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traytors, and shall suffer pains of Death and all Losses and Forfeitures, as in Cases of High-Treason.

And

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, being a Native of this Realm, shall Offend contrary to this Act, in any parts beyond the Seas, or on the High Sea; that every such Offender shall and may be Tryed in such County in this Kingdom as Her Majesty, Her Heirs and Successors, shall by Her or Their Commission, under the Great Seal of this Kingdom, nominate, limit and appoint.

CHAP. VI.

An ACT to prevent the further Growth of Popery.

WHEREAS divers Emissaries of the Church of Rome, Popish Priests, and other Persons of that Perswasion, taking advantage of the Weakness and Ignorance of some of Her Majesty's Subjects, or the extream Sickness and Decay of their Reason and Senses in the absence of Friends and Spiritual Guides, do daily endeavour to perswade and pervert them from the Protestant Religion, to the great Dishonour of Almighty God, the Weakening of the true Religion, by his Blessing so happily Established in this Realm, to the disquieting the Peace and Settlement and Discomfort of many particular Families thereof. And in further Manifestation of their Hatred and Aversion to the said true Religion, many of the said Persons so professing the Popish Religion in this Kingdom, have refused to make Provision for their own Children for no other reason but their being of the Protestant Religion: And also have by cunning Devices and Contrivances found out ways to avoid and elude the Intents of an Act of Parliament made in the Ninth Year of the Reign of the late King William the Third, for preventing Protestants Inter-marrying with Papists; and of several other Laws, made for the security of the Protestant Religion.

And whereas many Persons so professing the Popish Religion have it in their power to raise Divisions among Protestants, by Voting in Elections for Members of Parliament, and also have it in their power to use other Ways and Means tending to the Destruction of the Protestant Interest in this Kingdom; For Remedy of which great Mischiefs, and to prevent the like Evil Practices for the future, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That if any Person or Persons, from and after the Twenty Fourth Day of March, in this present Year of our Lord One thousand seven hundred and three, shall seduce, perswade or per-

vert any Perſon or Perſons profeſſing, or that ſhall profeſs the Proteſtant Religion, to renounce, forſake, or abjure the ſame, and to profeſs the Popiſh Religion, or reconcile him or them to the Church of Rome, then and in ſuch Caſe every ſuch Perſon and Perſons ſo ſeducing, as alſo every ſuch Proteſtant and Proteſtants who ſhall be ſo ſeduced, perverted and reconciled to Popery, ſhall for the ſaid Offences, being thereof lawfully convicted, incur the danger and penalty of Præmunire mentioned in the Statute of Præmunire made in England, in the Sixteenth Year of the Reign of King Richard the Second: And if any Perſon or Perſons, being a Papiſt or profeſſing the Popiſh Religion, ſhall from and after the ſaid Twenty Fourth Day of March ſend, or cauſe, or willingly ſuffer to be ſent or conveyed any Child under the Age of One and Twenty Years, except Sailors, Ship-boys, or the Apprentice or Factor of ſome Merchant in Trade of Merchandize into France, or any other parts beyond the Seas out of Her Majeſty's Dominions, without the ſpecial Licence of Her Majeſty, Her Heirs or Succeſſors, or of Her or Their Chief Governor or Governors of this Kingdom, and Four or more of Her or Their Privy-Council of this Realm, under their Hands in that behalf firſt had and obtained, he, ſhe and they ſo ſending or conveying, or cauſing to be ſent or conveyed away ſuch Child, ſhall incur the pains, penalties, and forfeitures mentioned in an Act made in the Seventh Year of His late Majeſty King William, Intituled, An Act to reſtrain Foreign Education.

And foraſmuch as by the ſaid Act to reſtrain Foreign Education, Juſtices of the Peace are required, upon Oath to them made of the withdrawing of any Child beyond the Seas, to proceed further as by the ſaid Act they are Directed; which Oath it is not probable can be made by any Proteſtant or Proteſtants who are Strangers to ſuch private Tranſactions in Popiſh Families, when yet by the abſence of ſuch Child there may be reaſonable ground of Suſpicion of his or her having been ſent away into Parts beyond the Seas; Be it further Enacted by the Authority aforeſaid, That where any of the Judges of Her Majeſty's Courts of Queen's-Bench, Common-Pleas, or Barons of the Exchequer, or any Two of the Juſtices of the Peace of any County of this Kingdom ſhall have reaſonable cauſe to ſuſpect that any ſuch Child except before excepted, and alſo except ſuch Child or Children as ſhall be ſent abroad with ſuch Licence, as aforeſaid, has been ſent abroad into Foreign Parts, he and they are hereby required and directed to Convene the Father or Mother, or ſuch other Relation, Guardian, or other Perſon or Perſons as had the Tuition, Education or Care of the ſaid Child, and ſhall require him, her, or them to produce or bring before him or them the ſaid Child within Two Months from and after ſuch Convening; and if ſuch Perſon or Perſons ſhall not produce, and bring before the ſaid Judge or Juſtices of the

Peace

Peace such Child within the said Time, or shew reasonable Cause for the obtaining further time for the same till the next following Quarter-Sessions of the County wherein such Person or Persons shall reside, or shall not give good Proof that the said Child is resident some where within this Kingdom, or within the Kingdom of England or Scotland, and not in Parts beyond the Seas, that then such Child shall be deemed and taken to be then Educated in Foreign Parts contrary to the aforesaid Act, and shall incur all the Penalties and Disabilities in and by the said Act mentioned and prescribed.

And to the end that no Child or Children of Popish Parent or Parents who have Professed or Embraced, or who shall Profess or Embrace the Protestant Religion, or are or shall be desirous or willing to be Instructed and Educated therein, may in the Life time of such Popish Parent or Parents, for fear of being cast off or disinherited by them, or for want of a fitting Maintenance or future Provision, be compelled and necessitated to embrace the Popish Religion, or be deterred or with-held from owning and professing the Protestant Religion; Be it further Enacted by the Authority aforesaid, That from and after the said Twenty Fourth Day of March, One thousand seven hundred and three, upon Complaint in the High Court of Chancery by Bill founded on this Act against such Popish Parent, it shall and may be Lawful for the said Court to make such Order for the Maintenance of every such Protestant Child not Maintained by such Popish Parent suitable to the Degree and Ability of such Parent, and to the Age of such Child, and also, for the Portion of every such Protestant Child, to be paid at the Decease of such Popish Parent as that Court shall adjudge fit, suitable to the Degree and Ability of such Parent: And in case the Eldest Son and Heir of such Popish Parent shall be a Protestant, that then from the time of the Inrolment in the High Court of Chancery of a Certificate of the Bishop of the Diocese in which he shall Inhabit, testifying his being a Protestant, and conforming himself to the Church of Ireland as by Law Established, such Popish Parent shall become and shall be only Tenant for Life of all the Real Estate whereof such Popish Parent shall be then Seized in Fee-tail or Fee-simple, and the Reversion in Fee shall be vested in such Eldest Son being a Protestant, Subject nevertheless to all such Debts and real Incumbrances at the time of the Inrolment of such Certificate charging such Estate, and subject also to such Maintenances and Portions for the other Children, as well Protestants as Papists of such Popish Parent then Born, or after to be Born as the said Court of Chancery, in manner aforesaid, shall order for them respectively; such Portions not to Exceed the Value of one third Part of the Inheritance of such Estate, which shall be held and enjoyed accordingly, discharged of all voluntary Settlements made by such Parent, and

also, of all Sales and Incumbrances made by him after such Inrolment of such Certificate: And the said Court of Chancery is hereby required to take care that distinct Rolls be kept for Inrolment of such Certificates, which shall publickly hang up or lie in some publick Office or Place belonging to the said Court for that purpose by the said Court to be appointed, where all Persons may at all seasonable times resort to and peruse the same without Fee or Reward; and for the Inrolment of each and every such Certificate the Sum of Six Pence, and no more shall be Paid.

And that Care may be taken for the Education of Children, in the Communion of the Church of Ireland as by Law Established; Be it Enacted by the Authority aforesaid, that no Person of the Popish Religion shall or may be Guardian unto, or have the Tuition or Custody of any Orphan, Child or Children, under the Age of Twenty One Years; but that the same, where the Person having, or Intituled to the Guardianship of such Orphan, Child or Children, is or shall be a Papist, shall be disposed of by the High Court of Chancery to some near Relation of such Orphan, Child or Children, being a Protestant and conforming himself to the Church of Ireland as by Law Established, to whom the Estate cannot descend in case there shall be any such Protestant Relation fit to have the Education of such Child; otherwise to some other Protestant Conforming himself as aforesaid, who is hereby required to use his utmost Care to Educate and bring up such Child or Minor in the Protestant Religion until the Age of Twenty One Years: And the said Court of Chancery is hereby Impowered and Required, and by Virtue of this Act it shall and may be Lawful for the said Court to make such Order for the Educating in the Protestant Religion the Child and Children of any Papist, where either the Father or the Mother of such Child or Children is, or shall be a Protestant, till the Age of Eighteen Years of every such Child, as to that Court shall seem meet; and in Order thereto to limit and appoint where, and in what manner, and by whom such Child or Children shall be Educated, and the Father of such Child or Children shall Pay the Charges of such Education as shall be directed by the said Court; and such Child or Children shall and may be taken from such Popish Parent for Education according to such Order: And if any Person or Persons being a Papist or professing the Popish Religion, shall take upon him or them the Guardianship or Tuition of any Orphan, Child or Children contrary hereunto, he and they so taking upon him or them the Guardianship or Tuition of any such Child, shall forfeit the Sum of Five Hundred Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Protection, Essoigne or Wager of Law shall be allowed, or but one Imparlance, the whole Benefit of the said Forfeitures to be, and is hereby given to the Blue-Coat-Hospital in the City of Dublin.

And

And be it further Enacted by the Authority aforesaid, That if any Protestant or Protestants having any Estate or Interest Real or Personal within this Kingdom, shall at any time from and after the Twenty Fourth Day of March next, Intermarry with any Papist or Person professing the Popish Religion, either within this Kingdom, or in any Parts out of this Kingdom, such Person or Persons being thereof Convict by Indictment or Information, shall be liable to, and incur all the Penalties and Disabilities in an Act made in the Ninth Year of His said late Majesty's Reign, Intituled, An Act to prevent Protestants Inter-marrying with Papists, as if such Protestant or Protestants had actually Inter-married with such Papist or Papists in any part of this Kingdom; and the said Offence shall be Tryed in any County within this Kingdom, wherein the Offender hath any Estate or Chattles Real, or in the City of Dublin.

Provided, That the Certificate of a Protestant Minister by whom any Person shall be Married out of this Kingdom, attested by a Publick Notary, containing the Matter to be certified by the said former Act by the Persons therein mentioned, shall be sufficient and in lieu of the Certificate required by the said former Act.

And be it further Enacted by the Authority aforesaid, That every Papist or Person professing the Popish Religion, shall from and after the said Twenty Fourth Day of March, be disabled, and is hereby made incapable to Buy and Purchase either in his or their own Name, or in the Name of any other Person or Persons, to his or her Use, or in Trust for him or her, any Mannors, Lands, Tenements or Hereditaments, or any Rents or Profits out of the same, or any Leases or Terms thereof, other than any Term of Years, not exceeding Thirty One Years, whereon a Rent not less than Two Thirds of the Improved Yearly Value, at the time of the making such Lease of the Tenements Leased, shall be reserved and made Payable during such Term; and that all and singular Estates, Terms, or any other Interests or Profits whatsoever, other than such Leases, not exceeding Thirty One Years as aforesaid, of, in, or out of such Lands, Tenements or Hereditaments, from and after the said Twenty Fourth Day of March, to be Bought and Purchased by, or for the Use or Behoof of any such Papist, or Person or Persons, professing the Popish Religion, or upon any Trust or Confidence mediately or immediately to or for the Benefit, Use or Advantage of any such Person or Persons professing the Popish Religion, shall be utterly Void and of none Effect to all Intents, Constructions and Purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That from and after the First Day of February, in this present Year of our Lord One thousand seven hundred and three, no Papist, or Person professing the Popish Religion, who shall not within Six Months after he or she shall become Intituled to

enter, or to take, or have the profits by Descent, or by Vertue of any Devise or Gift, or of any Remainder already Limited, or at any time hereafter to be Limited, or by Vertue of any Trust of any Lands, Tenements or Hereditaments, whereof any Protestant now is, or hereafter shall be Seized in Fee-simple absolute, or Fee-tail, or in such Manner that after his Death, or the Death of him and his Wife, the Freehold is to come immediately to his Son or Sons, or Issue in Tail, if then of the Age of Eighteen Years, or if under, within Six Months after he shall attain that Age; until which time from his being so Intituled he shall be under the Care of such Protestant Relation or Person, conforming himself as aforesaid, as shall for that purpose be appointed by the High Court of Chancery for his being Educated in the Protestant Religion, become a Protestant, and conform himself to the Church now Established in this Kingdom, shall take any benefit by reason of such Descent, Devise, Gift, Remainder or Trust, but from thenceforth, during the Life of such Person, or until he or she do become a Protestant, and conform as aforesaid, the nearest Protestant Relation or Relations, or other Protestant or Protestants, and his and their Heirs, being and continuing Protestants, who shall or would be Intituled to the same, in case such Person professing the Popish Religion, and not conforming as aforesaid, and all and other intermediate Popish Relations and Popish Persons were actually Dead; and his and their Heirs shall have and enjoy the said Lands, Tenements and Hereditaments, without being accountable for the Profits to be Received during such Enjoyment thereof; Subject nevertheless to such Charges, other than such as shall be made by such disabled Person, and in such Condition as the disabled Person would have held and enjoyed the same, the Children of Papists being to be taken to be Papists till they shall by their Conformity to the Established Church appear to be Protestants; and also Subject to such Maintenance as the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of Ireland for the time being, shall think fit to allow to the Children of such Papist until such Children attain their respective Ages of Eighteen Years.

Provided always, That if any Papist or Papists that would be Intituled to the same by Vertue of this Act on the disability incurred by any other Papist, shall after become Protestant, and Conform as aforesaid, from such his Conformity, such Conforming Person and his Heirs, being and continuing Protestants, shall be Intituled as he would have been if he had been a Protestant when the Disablity fell on such other Papist; and the Person or Persons so enjoying the same by Vertue of this Act shall and may Lawfully Demise and Lease the same, or any part thereof, for Twenty One Years or less without Fine, reserving the best improved Rent that can be got for the same at the time of Leasing thereof, or otherwise

otherwiſe Make or Renew Leaſes of the ſame, in ſuch Manner as the diſabled Perſon might or ought to do by Vertue of any Power only enabling him ſo to do; and that ſuch Leaſes ſhall be good and effectual againſt the diſabled Perſon and all others to Claim after him, any Law or Uſage to the contrary thereof notwithſtanding: And in caſe any wilful waſt ſhall be committed on the ſaid Lands, Tenements and Hereditaments by the Perſon ſo having and enjoying the ſame, or any other by his or her Licence or Authority, the Party diſabled, his or her Executors or Adminiſtrators, ſhall and may recover full Damages for the ſame againſt the Perſon committing ſuch waſt, his or her Executors or Adminiſtrators, by Action of Debt, in any of Her Majeſty's Courts of Record in Dublin.

Provided nevertheleſs, That the Wife of ſuch Perſon ſo diſabled, being a Proteſtant, ſhall have and be Intituled to her Dower and Thirds at the Common Law, as ſhe would have been if this Act had not been made.

And be it further Enacted by the Authority aforeſaid, That all Lands, Tenements or Hereditaments, whereof any Papiſt now is, or hereafter ſhall be Seized in Fee-ſimple or Fee-tail ſhall, from henceforth, ſo long as any Papiſt ſhall be Seized of, or Intituled to the ſame in Fee-ſimple or Fee-tail, be of the nature of Gavelkind, and if not Sold, Aliened or Diſpoſed of by ſuch Papiſt in his Life time for good and valuable Conſideration of Money, really and bonâ fide Paid, ſhall for ſuch Eſtate from ſuch Papiſt Deſcend to and be Inherited by all and every the Sons of ſuch Papiſt any way Inheritable to ſuch Eſtate, ſhare and ſhare like, and not deſcend on or come to the Eldeſt of ſuch Sons only, being a Papiſt, as Heir at Law; and ſhall in like Manner from ſuch reſpective Sons, being Papiſts, Deſcend to and be Inherited by all and every the Sons of ſuch Sons, ſhare and ſhare like, and not deſcend to the Eldeſt of ſuch Sons, being a Papiſt, as Heir at Law only; and that for want of Iſſue Male of ſuch Papiſt the ſame ſhall deſcend to all his Daughters any way Inheritable to ſuch Eſtate in equal Proportions; and for want of ſuch Iſſue among the Collateral Kindred of ſuch Papiſt of the Kin of his Father any way Inheritable to ſuch Eſtate in equal Degree; and for want of ſuch Kindred, to the Collateral Kindred of ſuch Papiſt of the Kin of his Mother, any way Inheritable to ſuch Eſtate, and not otherwiſe, notwithſtanding any Grant, Settlement or Diſpoſition by Will or otherwiſe that ſhall be made by ſuch Papiſt, other than ſuch Sale, Alienation or Diſpoſition to be made by ſuch Papiſt as aforeſaid; Subject nevertheleſs to all ſuch Debts and real Incumbrances at the time of the Deceaſe of ſuch Papiſt charging ſuch Eſtate.

Provided nevertheleſs, it ſhall and may be Lawful to and for ſuch Papiſt to charge ſuch his Eſtate with reaſonable

Maintenances and Portions for his Daughters, to be Raised and Paid in such Manner as he shall direct.

Provided always, That if the Eldest Son or Heir at Law of such Papist, shall be a Protestant at the time of the Decease of such Papist, whose Heir he shall be, such Certificate of such Eldest Son, being a Protestant, not having been Inrolled in the Life of such Papist, the Lands whereof such Papist shall be so Seized shall descend to such Eldest Son or Heir at Law, according to the Rules of the common Law of this Realm, so as such Certificate of the Bishops, as aforesaid, be Inrolled within Three Months after the Decease of such Papist in the said Court of Chancery; Subject nevertheless to such Debts and real Incumbrances at the time of the Decease of such Papist charging such Estate: And if the Eldest Son or Heir at Law of any such Papist who shall at the time of the Decease of such Papist, whose Heir he is, be of the Age of One and Twenty Years, shall become a Protestant and conform himself to the Church of Ireland, as by Law Established, within One Year after such Decease of such Papist; or being then under the Age of One and Twenty Years, shall within One Year after he shall attain that Age become a Protestant, and conform himself as aforesaid, that then from the time of the Inrolment in the Court of Chancery, of the Certificate of the Bishop of the Diocess in which he shall Inhabit, testifying his being a Protestant, and conforming, as aforesaid, in Manner aforesaid, such Inrolment being made within such Year, he shall be Intituled to, and shall have and enjoy from thenceforth the whole real Estate of such Papist, as he might have done if he had been a Protestant at the time of the Decease of such Papist whose Heir he is, notwithstanding any Grant, Settlement or Disposition by Will or otherwise that shall be made by such Papist, other than such Sale, Alienation or Disposition to be made by such Papist as aforesaid; Subject nevertheless to such Debts and real Incumbrances at the Decease of such Papist charging such Estate: And in every case where such Eldest Son shall be Intituled as aforesaid, by reason of his being a Protestant, such real Estate shall be chargeable and charged with such Sum and Sums of Money for the Maintenance and Portions of the Daughters and younger Sons of such Papist as the Court of Chancery shall direct and appoint to be raised for them, and shall be raised and Paid according to such Direction, such Portions not to exceed the Value of one Third part of such Estate.

Provided always, That such Lands, Tenements and Hereditaments, when and during such time as any Protestant shall be Seized thereof in Fee-simple or Fee-tail, shall from such Protestant be descendable according to the Rules of the common Law of this Realm, and not otherwise.

And be it further Enacted, That all Debts and other real Incumbrances that do, may or shall before the First Day

Day of February, One thouſand ſeven hundred and three, Charge or Incumber any real Eſtate of any Papiſt within this Kingdom, ſhall on or before the Firſt Day of June, that will be in the Year of our Lord, One thouſand ſeven hundred and four, be Inrolled in the Court of Exchequer, in Rolls for that purpoſe to be appointed by the ſaid Court, which Rolls ſhall be kept in ſome Publick Office or Place belonging to the ſaid Court to be appointed by the ſaid Court for that purpoſe, where all Perſons may at all ſeaſonable times reſort to, and have the peruſal of the ſame: And in default of ſuch Inrolment of ſuch Debts and Incumbrances the ſame ſhall not charge any Lands of ſuch Papiſt when and during ſuch time as the ſame ſhall belong to a Proteſtant; and alſo that all Debts and Incumbrances to be contracted and made after the ſaid Firſt Day of February, One thouſand ſeven hundred and three, that ſhall or may Charge or Incumber any real Eſtate of any Papiſt, ſhall within Six Months next after the making thereof, be Inrolled in the ſaid Court of Exchequer in Rolls in like Manner to be appointed and to be kept, reſorted to, and peruſed as aforeſaid; and in default of ſuch Inrolment of ſuch Incumbrance, the ſame ſhall not charge the Lands of any Papiſt, when and during ſuch time as they ſhall belong to a Proteſtant.

Provided always, That no Perſon ſhall take benefit by this Act as a Proteſtant, within the intent and meaning hereof, that ſhall not conform to the Church of Ireland as by Law Eſtabliſhed, and Subſcribe the Declaration, and alſo Take and Subſcribe the Oath of Abjuration following, viz.

I *A. B.* do ſolemnly and ſincerely, in the Preſence of God, profeſs, teſtify and declare, That I do believe, That, in the Sacrament of the Lord's-Supper, there is not any Tranſubſtantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Conſecration thereof, by any Perſon whatſoever; and, That the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Rome*, are ſuperſtitious and idolatrous. And I do ſolemnly, in the Preſence of God, profeſs, teſtify and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by *Proteſtants*, without any Evaſion, Equivocation or mental Reſervation, whatſoever; and without any Diſpenſation, already granted me for this Purpoſe, by the Pope, or any other Authority or Perſon whatſoever, or without any hope of Diſpenſation from any Perſon or Authority whatſoever; or without believing that I am, or can be acquitted before God or Man, or abſolved of this Declaration, or any Part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever ſhould diſpenſe with, or annul the ſame, or declare, That it was Null and Void from the Beginning.

I *A. B.* do Truly and Sincerely Acknowledge, Profeſs, Teſtify and Declare in my Conſcience, before God and the World, That Our Sovereign Lady Queen *ANNE* is Lawful and Rightful Queen of this Realm, and of all other Her Majeſty's Dominions and Countries thereunto belonging. And I do Solemnly and Sincerely Declare, That I do believe in my Conſcience, that the Perſon pretended to be Prince of *Wales*, during the Life of the late King *James*, and ſince his Deceaſe, pretending to be, and taking upon himſelf the Style and Title of King of *England*, by the Name of *James* the Third, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do Renounce, Refuſe and Abjure any Allegiance or Obedience to him. And I do Swear, That I will bear Faith and True Allegiance to Her Majeſty Queen *ANNE*, and Her will Defend to the utmoſt of my Power, againſt all Traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt Her Perſon, Crown or Dignity. And I will do my beſt Endeavour to Diſcloſe and Make Known to Her Majeſty, and Her Succeſſors, all Treaſons and Traiterous Conſpiracies, which I ſhall Know to be againſt Her, or any of them. And I do faithfully Promiſe, to the utmoſt of my Power, to Support, Maintain and Defend the Limitation and Succeſſion of the Crown, againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands Limited by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succeſſion of the Crown*, to Her preſent Majeſty, and the Heirs of Her Body, being *Proteſtants*: And as the ſame by one other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*, is and ſtands Limited after the Deceaſe of Her Majeſty, and for Default of Iſſue of Her Majeſty, to the Princeſs *Sophia*, Electoreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of Her Body, being *Proteſtants*. And all theſe things I do plainly and ſincerely Acknowledge and Swear, according to theſe expreſs Words by me Spoken, and according to the Plain and Common Senſe and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion, or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation and Promiſe, Heartily, Willingly and Truly, upon the true Faith of a Chriſtian.

So help me God.

And be it further Enacted, That all and every Perſon and Perſons whatſoever, as well Peers as Commoners of this Kingdom, who ſhall bear any Office or Offices Civil or Military, or ſhall receive any Pay, Salary, Fee or Wages belonging to, or by reaſon of any Office or Place of Truſt by reaſon of any Patent or Grant from Her Majeſty, or any of Her Majeſty's Predeceſſors, or ſhall have Command or Place of Truſt from or under Her Majeſty, or any of Her Predeceſſors, or by Her or Their Authority, or by Authority derived from Her or Them, within the Realm of Ireland, **on the Firſt Day of** Eaſter-**Term, which ſhall be in the Year of our Lord One thouſand ſeven hundred and four, every ſuch Perſon or Perſons ſhall perſonally appear before the End of the ſaid Term,**

Term, or in Trinity-Term then next following, in Her Majesty's High Court of Chancery, or in Her Majesty's Court of Queen's-Bench, Court of Common-Pleas, or Court of Exchequer, and then in publick and open Court, between the Hours of Nine of the Clock and Twelve in the Forenoon, take the several Oaths, and publickly make and repeat the Declaration appointed or required to be Taken, Made or Subscribed within this Kingdom in and by an Act of Parliament made in England in the Third Year of the Reign of Their late Majesties King William and Queen Mary, Intituled, An Act for the abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths; And also shall at the same time take the Oath of Abjuration appointed to be taken by an Act of Parliament made in England in the First Year of Her present Majesty's Reign, Intituled, An Act to Declare the Alterations in the Oath appointed to be taken by the Act, Intituled, "An "Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the *Protestant* Line; and for Extinguishing "the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors; and for Declaring the Association to be determined: Unto which Oaths and Declaration so taken, every Person so taking the same, shall Subscribe his Name or make his Mark; and during the Time of taking thereof by the said Person and Persons, all Pleas and Proceedings in the said respective Courts shall cease: And that all and every of the said respective Persons and Officers, not having taken the said Oaths in one of the said respective Courts, and Subscribed the same, and the said Declaration as aforesaid, shall on or before the First Day of August, One thousand seven hundred and four, at the General Quarter-Sessions for the County, Barony or Place where he or they shall be, Inhabit or Reside, on the Twentieth Day of May, One thousand seven hundred and four, take the said Oaths, and make and repeat the said Declaration, and Subscribe his Name or make his Mark under the said Oaths and Declaration, in open Court, between the said Hours of Nine and Twelve of the Clock in the Forenoon: And the said respective Officers, aforesaid, shall also receive the Sacrament of the Lord's Supper, according to the Usage of the Church of Ireland, before the First Day of August, in the Year of our Lord One thousand seven hundred and four, in some Parish-Church upon some Lord's Day, commonly called Sunday, immediately after Divine Service and Sermon.

And be it further Enacted by the Authority aforesaid, That all and every Person and Persons that shall be admitted, entered, placed or taken into any Office or Offices, Civil or Military, or shall receive any Pay, Salary, Fee or Wages belonging to, or by reason of any Office or Place of Trust by reason of any Patent or Grant from Her Majesty, or shall have Command or Place of Trust from or under Her

Majesty, or any of Her Predecessors or Successors, or by Her or Their Authority, or by Authority derived from Her or Them within this Realm of Ireland, after the First Day of Easter-Term aforesaid, shall take the said Oaths and repeat the said Declaration, and subscribe the said Oaths and Declaration in one of the said respective Courts, in the next Term, or at the General Quarter-Sessions for that County, Barony or Place where he or they shall reside, next after his or their respective Admittance or Admittances into any such Office or Offices, as aforesaid, after such his or their Admittance or Admittances into the said Office or Offices, Imployment or Imployments aforesaid, between the Hours aforesaid, and no other; during which Time all Proceedings shall cease as aforesaid: And that all and every such Person or Persons to be admitted after the said First Day of Easter-Term, as aforesaid, not having taken the said Oaths in one of the said Courts, and subscribed the same and the said Declaration, as aforesaid, shall, in the next Term, or at the General Quarter-Sessions for that County, Barony or Place where he or they shall reside, next after such his or their respective Admittance or Admittances into any of the said respective Offices or Imployments aforesaid, after such his or their Admittance or Admittances into the said Office or Offices, Imployment or Imployments aforesaid, take the said several and respective Oaths, and make and repeat the said Declaration, and subscribe his Name or make his Mark under the said Oaths and Declaration, in one of the said respective Courts, as aforesaid, between the Hours aforesaid, and no other; during which Time all Proceedings shall cease, as aforesaid: And all and every such Person and Persons so to be admitted as aforesaid, shall also receive the Sacrament of the Lord's Supper according to the Usage of the Church of Ireland, within Three Months after his or their Admittance in, or receiving their said Authority and Imployments, in some publick Church, upon the Lord's-Day commonly called Sunday, immediately after Divine Service and Sermon: And every of the said respective Persons touching whom the said several Provisions are here before made in the respective Court where he or she takes the said Oaths, shall first deliver a Certificate of such his or her receiving the said Sacrament as aforesaid, under the Hands of the respective Minister and Church-Wardens; and shall then make Proof of the Truth thereof by two credible Witnesses at the least, upon Oath: All which shall be enquired of, and put upon Record in the respective Courts.

And be it further Enacted, That all and every the Person or Persons aforesaid, who do or shall refuse or neglect to take the said Oaths and Sacrament, and to deliver such a Certificate of his receiving the Sacrament as aforesaid or to Subscribe the said Declaration as aforesaid, in one of the said Courts and Places, and at the respective times aforesaid,

ſaid, ſhall be ipſo facto adjudged incapable and diſabled in Law to all Intents and Purpoſes whatſoever, to have, occupy or enjoy the ſaid Office or Offices, Imployment or Imployments, or any part of them, or any matter or thing afore-ſaid, or any profit or advantage appertaining to them, or any of them; and every ſuch Office and Place, Imployment and Imployments, ſhall be void, and is hereby adjudged void: And that all and every ſuch Perſon or Perſons that ſhall neglect or refuſe to take the ſaid Oaths or the Sacrament as aforeſaid, and make and ſubſcribe ſuch Declaration, and deliver ſuch Certificate of his Receiving the Sacrament as aforeſaid, within the Times and in the Places aforeſaid, and in the Manner aforeſaid, and yet after ſuch neglect or refuſal ſhall execute any of the ſaid Offices or Imployments after the ſaid times expired wherein he or they ought to have taken the ſaid Oaths, and made and ſubſcribed the ſaid Declaration; and being thereupon Lawfully Convicted in or upon any Information, Preſentment or Indictment in any of Her Majeſty's Courts in Dublin, or at the Aſſizes, every ſuch Perſon and Perſons ſhall be diſabled from thenceforth to Sue or uſe any Action, Bill, Plaint or Information in courſe of Law, or to Proſecute in any Sute in any Court of Equity, or to be Guardian of any Child, or Executor or Adminiſtrator of any Perſon, or capable of any Legacy or Deed of Gift, or to bear any Office within this Realm, and ſhall Forfeit the Sum of Five Hundred Pounds, to be recovered by him or them that ſhall Sue for the ſame, to be Proſecuted by any Action of Debt, Sute, Bill, Plaint or Information, in any of Her Majeſty's ſaid Courts in Dublin, wherein no Eſſoign, Protection or Wager of Law ſhall lye.

And be it further Enacted by the Authority aforeſaid, That the Names of all and ſingular ſuch Perſons and Officers aforeſaid, that do, or ſhall take the Oaths, and make and Subſcribe ſuch Declaration as aforeſaid, ſhall be in the reſpective Courts of Chancery, Queen's-Bench, Common-Pleas, and Exchequer, and the Quarter-Seſſions, Inrolled with the Day and Year of their taking the ſaid Oaths, and making and Subſcribing the ſaid Declaration, in Rolls made and kept only for that intent and purpoſe, and for no other, to the Inrolment whereof, every Perſon may reſort, and look on without Fee or Reward; and none of the Perſon or Perſons aforeſaid ſhall give or pay any Fee or Reward to any of the Officers belonging to any of the Courts aforeſaid, above the Sum of Six Pence for his or their Entry, or his or their taking the Oaths aforeſaid.

And be it further Enacted, That it ſhall and may be Lawful to and for the reſpective Courts aforeſaid to give and Adminiſter the Oaths, and Tender the Declaration aforeſaid to the ſaid Perſon and Perſons; and on due Tender of any

Perſon or Perſons to take the ſaid Oaths, the ſaid Courts are hereby enjoyned and required to Adminiſter the ſame.

Provided always, That any Perſon who by any neglect or refuſal, ſhall Loſe or Forfeit any Office, may be capable of a new Grant of the ſaid Office or of any other, and have and hold the ſame again, ſuch Perſon taking the ſaid Oaths, and ſubſcribing the ſame, and the ſaid Declaration in ſuch manner as aforeſaid, and producing ſuch Certificate as aforeſaid, and proving the ſame at the time of taking the ſaid Oaths as aforeſaid, of his having received the Sacrament according to the uſage of the Church of Ireland, within Three Months then laſt paſt, ſo as ſuch Office be not granted to, and actually enjoyed by ſome other Perſon, at the time of the Re-granting thereof.

Provided alſo, That no ſuch Neglect to take the ſaid Oaths, and ſubſcribe the ſame, and the ſaid Declaration, or receive the Sacrament, ſhall affect any Perſon that now is, or at any time hereafter ſhall be in England, who by Virtue of this Act ought to take the ſaid Oaths, and make and ſubſcribe the ſaid Declaration, and receive the Sacrament of the Lord's Supper, as aforeſaid, ſo that he take the ſaid Oaths, and make and Subſcribe the ſaid Declaration in one of Her Majeſty's Courts at Weſtminſter, or at the General Quarter-Seſſions for the County or Place where he ſhall reſide, inhabit or be, and Receive the Sacrament of the Lord's Supper according to the uſage of the Church of England, and produce ſuch Certificate thereof at the time of his taking the ſaid Oaths and Subſcribing the ſaid Declaration, within the ſaid reſpective times hereby appointed for performing the ſame in this Kingdom, or any Perſon that now is, or at any time hereafter during the time, or any part thereof appointed for Taking the ſaid Oaths and Receiving the Sacrament, ſhall be beyond the Seas out of England and Ireland, or in Her Majeſty's Service on Board the Fleet; ſo as ſuch Perſon do the next Term, or at the next General Quarter-Seſſions for the County, Barony, or Place where he ſhall Reſide after his Return in England or Ireland, take the ſaid Oaths, and repeat and Subſcribe the ſaid Declaration, and Receive the Sacrament within four Months after ſuch his Return, according to the uſage of the Church of England or Ireland, and ſhall deliver ſuch Certificate thereof, and make ſuch Proof thereof at the time of his taking the ſaid Oaths, and repeating and Subſcribing the ſaid Declaration as aforeſaid, either in England or Ireland; or any Perſon or Perſons under the Age of Eighteen, or found by an Inquiſition to be Non Compos Mentis, ſo as ſuch Perſon or Perſons within Four Months next after their coming to the ſaid Age of Eighteen, or becoming of ſound Mind, take the ſaid Oaths, and Subſcribe the ſame and the ſaid Declaration, and Receive the Sacrament of the Lord's Supper, according to the uſage of the Church of Ireland, and produce ſuch Certificate thereof

thereof as aforeſaid, at the time of the taking the ſaid Oaths, in like Manner as other Perſons admitted or to be admitted into any Office or Imployment, are herein before appointed to do: Nor ſhall be Conſtrued to make Void the Grant of any Office or Offices of Inheritance, or any Fee, Salary or Reward, for Executing ſuch Office or Offices; ſo as ſuch Perſon or Perſons having or enjoying any ſuch Office or Offices of Inheritance, do and ſhall ſubſtitute ſome Proteſtant or Proteſtants, being duly Qualified to Execute the ſaid Office or Offices, to be his or their Deputy or Deputies, which ſuch Officer or Officers reſpectively are hereby Impowered from time to time to make or Change, to Exerciſe the ſaid Office or Offices, until ſuch time as the Perſon or Perſons having ſuch Office or Offices, ſhall voluntarily in one of the Courts aforeſaid take the ſaid Oaths, and Subſcribe the ſame and the ſaid Declaration, and Receive the Sacrament of the Lord's Supper according to the uſage of the Church of Ireland, and produce a Certificate thereof at the time of his taking the ſaid Oaths; and ſo as all and every ſuch Deputy and Deputies take the ſaid Oaths and Subſcribe the ſame and the ſaid Declaration in one of the Courts or Places aforeſaid, and Receive the Sacrament of the Lord's Supper, and produce a Certificate thereof at the time of his taking and Subſcribing the ſaid Oath and Declaration, in ſuch Manner as ſuch Officers, whoſe Deputies they are, are hereby appointed to do; ſo as ſuch Deputy or Deputies be from time to time approved of by the Queen's Moſt Excellent Majeſty, or the Chief Governor or Governors of this Realm: or to extend to the Office of any High-Conſtable, Petty-Conſtable, Tything-man, Head-Borough, Overſeer of the Poor, Church-Wardens, Surveyors of the High-Ways, or any like Inferior Civil Office in the Kingdom of Ireland, or any Office of Forreſter or Keeper of any Park, Chaſe, Warrant or Game, or Bayliff of any Manor or Lands, or any like private Offices.

And whereas by an Act made in the Reign of the late King Charles the Second, Intituled, An Act for the Explaining ſome Doubts ariſing upon an Act, Intituled, "An Act for the better Exe-" cution of His Majeſty's Gracious Declaration for the Settlement of this " Kingdom of *Ireland*, and ſatisfaction of the ſeveral Intereſts of the ſe-" veral Adventurers, Soldiers and other His Subjects there." And for making ſome Alterations, of, and Additions unto the ſaid Act, for the more ſpeedy and effectual Settlement of the ſaid Kingdom: It is among other things Provided, That no Perſon or Perſons ſhould Purchaſe any Houſes, therein mentioned within any Corporation in this Kingdom, nor take any Leaſe thereof, but ſuch as ſhould take the Oaths of Allegiance and Supremacy, without the Licence of the Chief Governor or Governors of this Kingdom, and Privy Council: Which Law if it had been duly obſerved, would in great meaſure have prevented the late Rebellion in this Kingdom.

Perſon or Perſons to take the ſaid Oaths, the ſaid Courts are hereby enjoyned and required to Adminiſter the ſame.

Provided always, That any Perſon who by any neglect or refuſal, ſhall Loſe or Forfeit any Office, may be capable of a new Grant of the ſaid Office or of any other, and have and hold the ſame again, ſuch Perſon taking the ſaid Oaths, and ſubſcribing the ſame, and the ſaid Declaration in ſuch manner as aforeſaid, and producing ſuch Certificate as aforeſaid, and proving the ſame at the time of taking the ſaid Oaths as aforeſaid, of his having received the Sacrament according to the uſage of the Church of Ireland, within Three Months then laſt paſt, ſo as ſuch Office be not granted to, and actually enjoyed by ſome other Perſon, at the time of the Re-granting thereof.

Provided alſo, That no ſuch Neglect to take the ſaid Oaths, and ſubſcribe the ſame, and the ſaid Declaration, or receive the Sacrament, ſhall affect any Perſon that now is, or at any time hereafter ſhall be in England, who by Virtue of this Act ought to take the ſaid Oaths, and make and ſubſcribe the ſaid Declaration, and receive the Sacrament of the Lord's Supper, as aforeſaid, ſo that he take the ſaid Oaths, and make and Subſcribe the ſaid Declaration in one of Her Maieſty's Courts at Weſtminſter, or at the General Quarter-Seſſions for the County or Place where he ſhall reſide, inhabit or be, and Receive the Sacrament of the Lord's Supper according to the uſage of the Church of England, and produce ſuch Certificate thereof at the time of his taking the ſaid Oaths and Subſcribing the ſaid Declaration, within the ſaid reſpective times hereby appointed for performing the ſame in this Kingdom, or any Perſon that now is, or at any time hereafter during the time, or any part thereof appointed for Taking the ſaid Oaths and Receiving the Sacrament, ſhall be beyond the Seas out of England and Ireland, or in Her Majeſty's Service on Board the Fleet; ſo as ſuch Perſon do the next Term, or at the next General Quarter-Seſſions for the County, Barony, or Place where he ſhall Reſide after his Return in England or Ireland, take the ſaid Oaths, and repeat and Subſcribe the ſaid Declaration, and Receive the Sacrament within four Months after ſuch his Return, according to the uſage of the Church of England or Ireland, and ſhall deliver ſuch Certificate thereof, and make ſuch Proof thereof at the time of his taking the ſaid Oaths, and repeating and Subſcribing the ſaid Declaration as aforeſaid, either in England or Ireland; or any Perſon or Perſons under the Age of Eighteen, or found by an Inquiſition to be Non Compos Mentis, ſo as ſuch Perſon or Perſons within Four Months next after their coming to the ſaid Age of Eighteen, or becoming of ſound Mind, take the ſaid Oaths, and Subſcribe the ſame and the ſaid Declaration, and Receive the Sacrament of the Lord's Supper, according to the uſage of the Church of Ireland, and produce ſuch Certificate thereof

thereof as aforesaid, at the time of the taking the said Oaths, in like Manner as other Persons admitted or to be admitted into any Office or Implopment, are herein before appointed to do: Nor shall be Construed to make Void the Grant of any Office or Offices of Inheritance, or any Fee, Salary or Reward, for Executing such Office or Offices; so as such Person or Persons having or enjoying any such Office or Offices of Inheritance, do and shall substitute some Protestant or Protestants, being duly Qualified to Execute the said Office or Offices, to be his or their Deputy or Deputies, which such Officer or Officers respectively are hereby Impowered from time to time to make or Change, to Exercise the said Office or Offices, until such time as the Person or Persons having such Office or Offices, shall voluntarily in one of the Courts aforesaid take the said Oaths, and Subscribe the same and the said Declaration, and Receive the Sacrament of the Lord's Supper according to the usage of the Church of Ireland, and produce a Certificate thereof at the time of his taking the said Oaths; and so as all and every such Deputy and Deputies take the said Oaths and Subscribe the same and the said Declaration in one of the Courts or Places aforesaid, and Receive the Sacrament of the Lord's Supper, and produce a Certificate thereof at the time of his taking and Subscribing the said Oath and Declaration, in such Manner as such Officers, whose Deputies they are, are hereby appointed to do; so as such Deputy or Deputies be from time to time approved of by the Queen's Most Excellent Majesty, or the Chief Governor or Governors of this Realm: or to extend to the Office of any High-Constable, Petty-Constable, Tything-man, Head-Borough, Overseer of the Poor, Church-Wardens, Surveyors of the High-Ways, or any like Inferior Civil Office in the Kingdom of Ireland, or any Office of Forrester or Keeper of any Park, Chase, Warrant or Game, or Bayliff of any Manor or Lands, or any like private Offices.

And whereas by an Act made in the Reign of the late King Charles the Second, Intituled, An Act for the Explaining some Doubts arising upon an Act, Intituled, "An Act for the better Execution of His Majesty's Gracious Declaration for the Settlement of this Kingdom of *Ireland*, and satisfaction of the several Interests of the several Adventurers, Soldiers and other His Subjects there." And for making some Alterations, of, and Additions unto the said Act, for the more speedy and effectual Settlement of the said Kingdom: It is among other things Provided, That no Person or Persons should Purchase any Houses, therein mentioned within any Corporation in this Kingdom, nor take any Lease thereof, but such as should take the Oaths of Allegiance and Supremacy, without the Licence of the Chief Governor or Governors of this Kingdom, and Privy Council: Which Law if it had been duly observed, would in great measure have prevented the late Rebellion in this Kingdom.

And whereas the Peace and Safety of this Kingdom and the Welfare of Your Majesty's Protestant Subjects, will much depend on the Security of the City of Limerick and Town of Galway, and on their being in Possession of Your Majesty's Protestant Subjects, being considerable Garrisons in this Your Majesty's Kingdom: Be it Enacted by the Authority aforesaid, That no Person or Persons, that are or shall be Papists, or profess the Popish Religion, shall or may after the Twenty Fourth Day of March, in the Year of our Lord One thousand seven hundred and three, Take or Purchase any House or Tenement, or come to Dwell or Inhabit within the said City of Limerick, or Suburbs thereof, or within the Town of Galway, or Suburbs thereof: And that every Person of the Popish Religion, now inhabiting within the said City or Suburbs of Limerick, or within the said Town or Suburbs of Galway, shall before the said Twenty Fourth Day of March next ensuing, before the Chief Magistrate of the said respective City or Town become bound to Her Majesty, Her Heirs and Successors, with Two sufficient Sureties, in a reasonable Penal Sum to be ascertained by the Chief Magistrate, Recorder and Sheriffs of the said City and Town respectively, or any two of them, with Condition for his or her faithfully bearing themselves towards Her Majesty, Her Heirs and Successors; or in default of giving such Security, such Persons shall depart out of the said City, Suburbs and Town aforesaid, on or before the Twenty Fifth Day of March, in the Year of our Lord, One thousand seven hundred and five.

And for the preventing Papists having it in their power to breed Dissention amongst Protestants by Voting at Elections of Members of Parliament; Be it further Enacted by the Authority aforesaid, That from and after the Twenty Fourth Day of March, One thousand seven hundred and three, no Freeholder, Burgess, Freeman or Inhabitant of this Kingdom, being a Papist or professing the Popish Religion, shall at any time hereafter be capable of giving his or their Vote for the Electing of Knights of any Shires or Counties within this Kingdom, or Citizens or Burgesses to serve in any succeeding Parliament, without first repairing to the General Quarter-Sessions of the Peace to be holden for the Counties, Cities or Boroughs wherein such Papist do Inhabit and Dwell, and there voluntarily take the Oath of Allegiance in the Words following, viz.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to Her Majesty Queen ANNE,

So help me GOD, *&c.*

And also the Oath of Abjuration aforesaid: And after the taking of the said several Oaths aforesaid, The Clerk of the Peace Officiating in the Sessions, shall and is by this Act directed

directed to Enter the ſame upon Record in the Rolls of the ſaid Seſſions; and is hereby Impowered and Required to give and deliver to ſuch Perſon or Perſons ſo taking the ſaid Oaths, a Certificate of ſuch Perſons ſo taking and ſubſcribing the ſame, for which Certificate the Sum of One Shilling, and no more, ſhall be paid: Which ſaid Certificate being produced to the High-Sheriff of the ſaid County or any of his Deputies, at any ſuch Elections for Knights of the Shire, and to the reſpective Chief Officer or Officers of any City, Town Corporate or Borough in this Kingdom, to whom the Return of any Citizen or Burgeſs to ſerve in Parliament doth or ſhall reſpectively belong, he or they ſhall be permitted to Vote as amply and fully as any Proteſtant Freeholder, Burgeſs or Freeman, or Inhabitant of the ſaid County, City, or Borough: But in caſe any Freeholder, Burgeſs, Freeman or Inhabitant, being a Papiſt ſhall appear at any ſuch Election as aforeſaid, and tender himſelf to be Polled for any Candidate who ſhall ſtand for Knight of the Shire, Citizen or Burgeſs to ſervice in any enſuing Parliament, without producing ſuch Certificate as aforeſaid, to the ſaid Sheriff, or other Officer or Officers as aforeſaid, the ſaid Sheriff, or other Officer or Officers to whom ſuch Return doth or ſhall reſpectively belong, ſhall reject ſuch Perſon, and abſolutely refuſe to enter his Vote, as if he were no Freeholder of the ſaid County, or Burgeſs, Freeman or Inhabitant of the ſaid City or Borough; any former Law, Statute or Uſage to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That where any Papiſt or Perſon profeſſing the Popiſh Religion do, or ſhall Claim, Enjoy, or Poſſeſs any Advowſon or Advowſons of Churches, Right of Patronage or Preſentation to any Eccleſiaſtical Benefice, or where any Proteſtant or Proteſtants do or ſhall Hold, Claim, Enjoy or Poſſeſs any Advowſon or Advowſons of Churches, Right of Patronage or Preſentation to any Eccleſiaſtical Benefice or Benefices in Truſt, or for the Uſe and Benefit of any Papiſt or Papiſts whatſoever; that every ſuch Advowſon and Right of Patronage or Preſentation ſhall be hereby ipſo facto Veſted in Her Majeſty, Her Heirs and Succeſſors, according to ſuch Eſtates as ſuch Papiſt had in the ſame until ſuch time as ſuch Papiſt, or the Heir or Heirs of ſuch Papiſt, ſhall take the ſaid Oath, and ſubſcribe the ſaid Declaration and Abjuration, and conform as aforeſaid.

And whereas the Superſtitions of Popery are greatly increaſed and upheld by the pretended Sanctity of Places, eſpecially of a Place called Saint Patrick's Purgatory in the County of Donegal, and of Wells, to which Pilgrimages are made by vaſt Numbers at certain Seaſons; by which not only the Peace of the Publick is greatly diſturbed, but the Safety of the Government alſo hazarded by the riotous and unlawful Aſſembling together of many Thouſands of Papiſts to the ſaid Wells and other Places; Be it further Enacted,

That all such Meetings and Assemblies shall be deemed and adjudged Riots and unlawful Assemblies, and punishable as such in all or any Persons meeting at such Places as aforesaid: And all Sheriffs, Justices of the Peace, and other Magistrates, are hereby required to be diligent in putting the Laws in Force against all Offenders in the above particulars, in due Execution.

And for the more Effectual preventing and suppressing all such Superstitious, Dangerous, and Unlawful Assemblies; Be it further Enacted, That all and every Person and Persons meeting or assembling at Saint Patrick's Purgatory aforesaid, or at any such Well or Place contrary to this Act; and who shall be thereof Convict by his or their own Confession, or by the Testimony of one or more sufficient Witness or Witnesses, upon Oath before any Justice of the Peace in any County, or Mayor or other Chief Magistrate of any City, Borough, Town or Corporation, who shall have Power by virtue of this Act to minister such Oaths where the Offence shall be committed, or the Party offending apprehended, shall Forfeit the Sum of Ten Shillings, to be paid at such time as by the said Justice of the Peace or other Chief Magistrate shall be appointed, the one Moiety thereof to such Person or Persons who shall give Information of the said Offence, and procure such Offender or Offenders to be Convicted, the other Moiety to be disposed of to the Poor of the Parish where such Offender shall be Convicted: And if such Offender or Offenders shall neglect or refuse to Pay the said Sums, to be Assessed or Appointed as aforesaid, then the said Justices of the Peace or other Chief Magistrate shall Commit all and every such Offender and Offenders to some Constable or other Inferior Officer of the County, City, Town or Corporation, where the said Offence shall be Committed or the Party Apprehended, to be publickly Whipped; which Punishment the said Constable or other Inferior Officer is hereby required publickly to Inflict and Execute upon such Offender pursuant to the Order of the said Justice of the Peace, or other Chief Magistrate, within the space of Twenty Four Hours after such Order received: And that all and every Person and Persons who at such Assemblies build Booths, sell Ale, Victuals or other Commodities, and shall be thereof lawfully Convicted by the View of any Justice of the Peace of the same County, or of any Chief Magistrate within such Town wherein the same shall or may be, or by Confession of the Party, or by the Oath of one or more credible Witness or Witnesses before such Justice of the Peace, or other Chief Magistrate, as aforesaid, shall forfeit and Pay the Sum of Twenty Shillings, to be forthwith levied by Distress and Sale of the Goods of such Offender; and in default of Distress, by the Imprisonment of the said Offender till payment thereof; all and every the said Penalties of Twenty Shillings to be applyed to the Use and Service of the Publick

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in such manner as the Justices of the Peace for the said County at their General Quarter-Sessions shall appoint: And all and every the said Magistrates are hereby required to Demolish all Crosses, Pictures and Inscriptions that are any where publickly set up, and are the occasions of any Popish Superstitions.

Provided always, That nothing herein contained shall be construed to hinder Seamen, Fishermen or Day-Labourers from holding or dwelling in Houses worth Forty Shillings the Year, or under, within the Suburbs of the City of Limerick, or of the Town of Galway.

CHAP. VII.

An ACT for Registering the *Popish* Clergy.

WHEREAS two Acts lately made for banishing all Regulars of the Popish Clergy out of this Kingdom, and to prevent Popish Priests from coming into the same, may be wholly eluded unless the Government be truly informed of the number of such dangerous Persons as still reside among us: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every Popish Priest or Priests who are now in this Kingdom, shall at the next General Quarter-Sessions of the Peace to be held in all the several Counties, or Counties of Cities, or Towns, throughout this Kingdom, next after the Feast of St. John the Baptist, which shall be in the Year of our Lord one thousand seven hundred and four, return his or their Names and Places of Abode to the respective Clerks of the Peace in the several Counties, or Counties of Cities, or Towns in this Kingdom, where the said Popish Priests shall dwell or reside, together with his or their Age, the Parish of which he pretends to be Popish Priest, the Time and Place of his or their first receiving Popish Orders, and from whom he or they received the same; and shall then and there enter into Recognizance with two sufficient Sureties, each in the penal Sum of Fifty Pounds Sterling, that every such Popish Priest shall be of peaceable Behaviour, and not remove out of such County where his or their Place of Abode lies, into any other Part of this Kingdom: And all and every Popish Priest or Priests who shall not make such Return, and enter into such Recognizance with sufficient Sureties as aforesaid, and being thereof Convict at the Assizes or General Quarter-Sessions of such County, or Counties of Cities, or Towns where-

in he or they ſhall dwell or be apprehended, ſhall ſeverally be committed to the common Goal of the reſpective Counties, Cities or Towns where he or they ſhall be ſo convict, there to remain without Bail or Mainprize till he or they be Tranſported.

And that all and every ſuch Popiſh Prieſt or Prieſts ſo convicted as aforeſaid, ſhall be Tranſported out of this Kingdom in like Manner as Popiſh Regulars, and incur like Penalties upon their Return into the ſame as are to be inflicted on Popiſh Regulars by an Act Intituled, An Act for Baniſhing all Papiſts exerciſing any Eccleſiaſtical Juriſdiction, and all Regulars of the Popiſh Clergy out of this Kingdom: And all and every the Clerks of the Peace are hereby required to Tranſmit within twenty Days after every ſuch Quarter-Seſſions all and every ſuch Return to the Clerk of the Council in this Kingdom, upon the Penalty to forfeit to Her Majeſty, Her Heirs and Succeſſors, the Sum of Ten Pounds Sterling, for every ſuch Neglect to do the ſame; the ſaid Penalty to be recovered by Bill, Plaint or Information in any of Her Majeſty's Courts of Record: Which Tranſmitting of the ſaid Return ſhall be incumbent on them the ſaid Clerks of the Crown and Peace, to prove by a Receipt in Writing under the Hand of the ſaid Clerk of the Council, who is hereby required, without Fee or Reward, to give ſuch Receipt, on the Penalty of Twenty Pounds Sterling; which ſaid Penalty is to be recovered by Bill, Plaint or Information in any of her Majeſty's Courts of Record: Which Return ſo tranſmitted ſhall be kept by the ſaid Clerk of the Council, to be viewed by any Perſon deſiring to ſee the ſame, without Fee or Reward.

And to the end that ſuch Popiſh Prieſts as lately have been, or may be convinced of the Errors of the Romiſh Church may not ſuffer through Want of Maintenance, or other miſchievous Effects of Reſentment of Bigotted Papiſts; Be it Enacted, That every ſuch Popiſh Prieſt being approved of as a Convert, and received into the Church by the Arch-Biſhop or Biſhop of the Dioceſs wherein he or they lived or reſided, and conforming himſelf to the Church of Ireland as by Law Eſtabliſhed, and having taken the Oaths, and made and ſubſcribed the Declarations, in ſuch manner as the conformable Clergy to the ſaid Church of Ireland are obliged to do, at any Quarter-Seſſions in any County or City as aforeſaid, ſuch converted Prieſt or Prieſts ſhall have and receive the Sum of Twenty Pounds Sterling, Yearly and every Year during their Reſidence in ſuch County for their Maintenance, and till they are otherwiſe provided for; ſubject nevertheleſs to Suſpenſion or Deprivation of the Arch-Biſhop or Biſhop of the Dioceſs wherein he or they ſhall dwell or reſide, in like manner as the reſt of the inferior Clergy of this Kingdom, the ſaid Sum of Twenty Pounds to be Levied on the Inhabitants of ſuch County, or Counties of Cities, or Towns where ſuch converted Prieſt or Prieſts did laſt officiate

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or reſide, in like Manner as Money is Levied that is charged by Grand Juries upon the ſaid Counties, or Counties of Cities, or Towns, and to be Paid him or them by equal Moieties (viz.) One Moiety at the Feaſt of the Annunciation of the Bleſſed Virgin Mary, and the other Moiety at the Feaſt of St. Michael the Arch-Angel, in every Year: And every ſuch Convert or Converts ſhall publickly Read the Common Prayer or Liturgy of the Church of Ireland, in the Engliſh or Iriſh Tongue, in ſuch Places and at ſuch Times as the ſaid Arch-Biſhops or Biſhops ſhall direct or appoint.

And it is further Enacted by the Authority aforeſaid, That no Popiſh Pariſh Prieſt ſhall keep or have any Popiſh Curate, Aſſiſtant or Coadjutor; and that all and every Popiſh Prieſt that ſhall neglect to Regiſter himſelf purſuant to this Act, ſhall depart out of this Kingdom before the Twentieth Day of July, which ſhall be in the Year of our Lord One thouſand ſeven hundred and four, on Pain of being proſecuted as a Popiſh Regular Clergyman: And that all ſuch Popiſh Prieſt and Prieſts that ſhall neglect to Regiſter him or themſelves as aforeſaid, and Remain in this Kingdom after the ſaid Twentieth Day of July, ſhall be eſteemed a Popiſh Regular Clergyman, and proſecuted as ſuch.

Provided always, That this Act ſhall be given in charge at every General Aſſizes; and the Liſt of ſuch Prieſts that are Regiſtred ſhall be publickly Read after the Charge given: This Act to continue in Force for five Years, and until the End of the next ſucceeding Parliament and no longer.

CHAP. VIII.

An ACT for Quieting Poſſeſſions, and Diſpoſing of the Undiſpoſed and Plus Acres.

WHEREAS it will very much tend to the Proſperity of this Kingdom, which hath been almoſt Ruined by the frequent Rebellions of Iriſh Papiſts, and to the Increaſe of Your Majeſty's Revenue, that Your good Subjects be quieted in their Poſſeſſions, and incouraged to Plant and Improve the Country; Her Majeſty at the Humble Sute of Her Subjects is Graciouſly pleaſed that it may be Enacted: Be it Enacted by the Queen's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Lands called Plus Lands, or Plus Acres, which are parcels of Denominations of Lands undiſpoſed of, where the Reſidue of ſuch Denominations have been granted to one or more by Patent, ſhall be veſted in ſuch Perſon or Perſons who on the Firſt

Day of October, One thouſand ſeven hundred and two, were in poſſeſſion of ſuch Plus Acres by themſelves, their Tenants or Under-tenants, or thoſe deriving by, from or under them in their right, or under pretence or colour thereof; which ſaid Perſon or Perſons ſhall and may hold and enjoy ſuch Plus Acres to them and their Heirs for ever; liable nevertheleſs to ſuch Quit-Rent, from the ſaid Firſt Day of October for the ſame pro rata, as is payable out of the other part of ſuch Denominations, and to no other Rent whatſoever.

And to the end the ſame may the better be put in Charge, and that all Controverſies and Diſputes about the Poſſeſſion of ſuch Plus Acres may be prevented or ſoon determined, the Chief Governor or Governors of this Kingdom for the time being, and Six or more of the Privy Council are hereby Impowered and Authorized within Three Years Summarily to Hear and Determine the reſpective Claims of the ſeveral Pretenders to the Poſſeſſion of the ſaid Plus Acres on the ſaid Firſt Day of October, One thouſand ſeven hundred and two; and to Swear and Examine Witneſſes to Aſcertain the Fees in all Offices relating to ſuch Claims and the Inrolment thereof; and to do whatever elſe ſhall be neceſſary to a Judicial Determination of ſuch Poſſeſſion; and their Decree, which ſhall always Aſcertain the Quit-Rent, and be Entred and Inrolled in the Auditor General's Office, ſhall be final and concluſive to all Parties; and ſhall be as good and ſufficient in all Courts and Places as if the ſaid Lands had been granted by Letters Patents.

And whereas there are ſeveral Denominations of Lands entirely undiſpoſed, which as alſo ſome of the aforeſaid Plus Acres are ſo courſe and barren that they are not worth the Quit-Rent they are liable unto, and therefore remain Deſolate and not Inhabited, but are a Receptacle for Thieves, Robbers and Tories, to the great Detriment of the Country, and the Decay of Her Majeſty's Revenue: Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be Lawful for the Lord Lieutenant, or other Chief Governor or Governors of this Kingdom for the time being, and Six or more of the Privy Council, to Demiſe, Set or Grant the ſame to ſuch Perſon or Perſons, being Proteſtants, and for ſuch Term of Years as they ſhall think fit, at ſuch a reaſonable Rent as may Encourage ſuch Perſon and Perſons to Plant and Inhabit the ſame.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to avoid any Right, Title, Eſtate, Settlement, Leaſe, Charge, or other Conveyance or Incumbrance whatſoever, in Law or Equity, made, done or executed by the Perſons whoſe Eſtates or Poſſeſſions are hereby confirmed, or by the Perſon or Perſons under whom he or they derive; but that the ſame, and all other Right and Titles, except the Right and Titles of Her Majeſty, Her Heirs and

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Succeſſors, to the ſaid Lands, ſhall be and remain of the ſame force and effect between the Parties againſt them, and every of them, as if this Act had never been made.

CHAP. IX.

An ACT for Quieting Eccleſiaſtical Perſons in their Poſſeſſions.

WHEREAS by an Act made in the Tenth Year of the Reign of His late Majeſty King William the Third of Glorious Memory, Intituled, An Act for Confirming Eſtates and Poſſeſſions held and enjoyed under the Acts of Settlement and Explanation, It is Enacted, That from and after the Nine and Twentieth Day of October, One thouſand ſix hundred ninety eight, no Perſon or Perſons whatſoever having, holding or enjoying any Houſes, Lands, Tenements or Hereditaments, by virtue of any Certificates and Letters Patents purſuant to the ſaid Acts of Settlement and Explanation, or either of them, ſhall be liable to be removed from thence, or be obliged to relinquiſh his or their Intereſt, Eſtate or Poſſeſſion therein, on any Repriſals given or offered to be given by any Perſon or Perſons Intituled, or pretended to be Intituled to the ſame, as a Nominee, Letteree, Enſign-man, Proviſoe-man, or by any other ways or means whatſoever, by virtue of the ſaid Act of Settlement and Explanation, or either of them; but that every ſuch Patentee, his Heirs and Aſſigns, ſhall and may for ever have, hold and enjoy the ſaid Lands, Tenements and Hereditaments, according to the Eſtate granted to him or them, freed and diſcharged from the ſeveral Clauſes and Proviſoes in the ſaid Acts, or either of them whereby he was made liable to accept of Repriſals for the ſame; and ſhall have, hold, and enjoy the ſaid Lands, Tenements and Hereditaments for the future confirmed unto him, his Heirs and Aſſigns, according to the Eſtate limited in the ſaid Letters Patents, againſt all and every Perſon and Perſons claiming the ſame as a Nominee, Letteree, Enſign-man, Proviſoeman, or by any other ways or means as aforeſaid, to all intents and purpoſes, as any other Patentee, by virtue of the ſaid Act does or ought to enjoy the Lands, Tenements or Hereditaments granted unto him; and alſo, that no Perſon or Perſons decreed Innocent, and by his or their Decree left to Law, who hath not hitherto brought any Action for, and actually recovered the Houſes, Lands, Tenements and Hereditaments, for which he was ſo left to Law, ſhall at any time after the paſſing the ſaid Act be admitted to bring any Action or Suit whatſoever for the recovery thereof, but ſhall be de-

barred from so doing, and his pretended Right be for ever determined, annulled and extinguished.

And forasmuch as it seems reasonable, That all Archbishops, Bishops, Deans and Chapter, Ministers, and all other Ecclesiastical Persons, many of whose Writings, and other Evidences, have been lost, during the late War in this Kingdom, shall be Quieted and Established in their Possessions, and freed from all ancient Incumbrances; Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every Archbishop, Bishop, Dean and Chapter, Parson, Vicar, and all and every other Ecclesiastical Person, or Persons whatsoever, and his and their Successor and Successors, shall from henceforth have, hold, possess and enjoy all and singular their Mannors, Lands, Tenements and Hereditaments, against all and every Person and Persons claiming the same as Nominee, Letteree, Ensign-man, or Provisoe-man, in such Manner as any Patentee, provided for by the said Act, might hold and enjoy the same: And that no Person or Persons decreed Innocent, and by his Decree left to Law, who hath not hitherto brought any Action for, and actually recovered the Houses, Lands, Tenements and Hereditaments for which he was so left to Law, shall at any Time after the passing this Act be admitted to bring any Action or Suit whatsoever, for Recovery thereof against such Arch-Bishop, Bishop or other Person whatsoever; but shall be debarred from so doing, and his pretended Right for ever determined, annulled and extinguished.

And be it further Enacted by the Authority aforesaid, for the effectual establishing the Estate and Possessions of such Arch-Bishops, Bishops, Deans and Chapter, and other Ecclesiastical Persons, and for preventing their being Sued or Impleaded on pretence of any antient Incumbrances, be they Judgments, Recognizances, Statutes Merchant or of the Staple, acknowledged or entred into on or before the Twenty third Day of October, in the Year of our Lord One thousand six hundred forty one, that are not now depending, or if depending, have not been prosecuted since the twenty third Day of October, One thousand six hundred ninety one; that from henceforth no Action shall lie, nor Suit be admitted or prosecuted on any such antient Incumbrance for charging any Lands, Tenements or Hereditaments of any such Arch-Bishop, Bishop, or other Ecclesiastical Person in any Court either in Law or Equity; but that the Lands, Tenements and Hereditaments of such Arch-Bishop, Bishop, or other Ecclesiastical Persons shall be discharged thereof: And that no Process, Scire facias or Execution whatsoever shall ever Issue at any time hereafter on any such Antient Incumbrance, but that the same as to the said Arch-Bishops,

Bishops,

Biſhops, and other Eccleſiaſtical Perſons, and their Lands, Tenements and Hereditaments, ſhall be taken and adjudged to be null and void.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend in any wiſe to prejudice any Debt, Right, Title, Intereſt or Eſtate of, in, out of, or unto any Lands, Tenements or Hereditaments contained or mentioned in any Judgment or Decree obtained by any Proteſtant or Proteſtants in the late Court, or pretended Court for Adjudication of the Claims of Innocents, or in the Court of Exchequer, or any the Four Courts ſitting at Dublin before the Two and twentieth Day of Auguſt, One thouſand ſix hundred ſixty three; nor to any Chiefry or other Incumbrances whereof or whereon any Intereſt, Sum of Money, or other Conſideration hath been received ſince the paſſing the Letters Patents of ſuch forfeited Lands, Tenements and Hereditaments claimed, to be liable thereunto.

CHAP. X.

An ACT for the Exchange of Glebes belonging to Churches in this Kingdom.

WHEREAS ſeveral Glebes in this Kingdom lie at a great Diſtance from the Churches to which they belong, and ſome in other Pariſhes, whereby the Reſidence of the Incumbents on the ſaid Glebes is become either Impracticable or leſs Uſeful than is fitting; For remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, and by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That it ſhall and may be lawful to and for the ſeveral Rectors, Vicars, and other Perſons, having any Cure of Souls in this Kingdom, by Deed or Deeds to exchange ſuch Glebes as lie at a Diſtance from the Pariſh-Church, or any Part of ſuch Glebes with any Arch-Biſhop, Biſhop, or other Perſon, for Lands of equal Value, Worth and Purchaſe, lying near and convenient to the ſaid Church.

Provided, the Biſhop of the Dioceſs with his Dean and Chapter, under his and their common Seals, and the Patron of ſuch Church, or his lawful Attorney, where the Patronage is in any other than the Biſhop, under his Hand and Seal to ſuch Deed or Deeds of Exchange, approve thereof; and where the Patronage is in the Crown, the chief Governor or Governors of the Kingdom for the Time being ſhall be, and are hereby impowered to give Conſent to ſuch Deed or Deeds of Exchange in Writing under his or their Hands and Seals.

And to avoid all Fraud, Covin or Miſtake in ſuch Exchange; Be it Enacted by the Authority aforeſaid, That before the Sealing and Perfecting ſuch Deeds of Exchange, the Sheriff of the County where both or either of the Lands to be Exchanged as aforeſaid ſhall be, at the Requeſt of the Biſhop, Patron and Parties concerned, may call a Jury of Twelve good and indifferent Free-holders, whereof Notice ſhall be given at ſome preceding County-Court, and likewiſe of the Time and Place, where and when, the ſaid Jury is to meet: And the ſaid Jury ſhall inquire of the true Value and Quantity of the Lands and Conveniency of the Exchange of the ſaid Lands ſo to be Exchanged, by the Oaths of good knowing and ſubſtantial Witneſſes; and the ſaid Value and Conveniency ſo found, together with the Mears and Bounds thereof, ſhall return to the Biſhop where both or either of the ſaid Lands ſo to be Exchanged are, who ſhall procure the ſaid Return and Deeds of Exchange to be Recorded in the Court of Exchequer, in the Firſt Remembrancer's-Office; for which Inqueſt the Sheriff ſhall receive by way of Fees Ten Shillings: And the ſaid Remembrancer ſhall put the ſame on Record, and for the Recording the ſame and the ſaid Deeds, ſhall receive Six Shillings and Eight Pence, and no more.

And be it Enacted, That the ſaid Lands ſo given in Exchange for ſuch Glebes, or any part thereof ſo Exchanged, ſhall be held and enjoyed by ſuch Rectors or Vicars, and their Succeſſors for ever as Glebe, notwithſtanding the ſame did formerly belong to any Arch-Biſhop, Biſhop, Tenant for Life or in Tail, with the Conſent of the Perſon immediately next in Remainder: In all which caſes ſuch old Glebe, or the part of the ſaid Glebe ſo given in Exchange, ſhall remain and be to ſuch Uſes as the Land given for the ſame was formerly limited.

And be it further Enacted, That it ſhall and may be Lawful to and for every Arch-Biſhop and Biſhop, Dean, Dignitary or Prebendary, having Land belonging to their Biſhopricks, Deanry, Dignity or Prebend, near any Church, and convenient for a Glebe for the ſaid Church, not already Indowed with Twenty Acres of Glebe, by and with the Advice and Conſent of his reſpective Dean and Chapter, to grant any Quantity thereof, not exceeding Twenty Acres Plantation-Meaſure, to the Rector or Vicar, or other Eccleſiaſtical Perſon, having the actual Cure of Souls, and their Succeſſors, at the Moiety of the preſent Yearly Rent per Annum, or for any greater Sum: Which Rent ſhall be paid by ſuch Rectors or Vicars, and other Eccleſiaſtical Perſons having the actual Cure of Souls, and their Succeſſors, to the ſaid Biſhop, Dean, Dignitary or Prebendary, and their reſpective Succeſſors for ever, by four equal Portions (that is to ſay) At the Feaſt of the Annunciation of the Bleſſed

Bleſſed Virgin Mary, the Feaſt of St. John the Baptiſt, the Feaſt of St. Michael the Arch-Angel, and of the Nativity of our Bleſſed Lord and Saviour: And in caſe of Non-payment, that it ſhall be lawful for the ſaid Biſhop, Dean, Dignitary or Prebendary, his or their Succeſſors, to Diſtrain or Sue for the ſame, and all Arrears thereof.

And be it Enacted, That the ſaid Twenty Acres, or leſſer Quantity of Land ſo granted as aforeſaid, ſhall be reputed and taken as the Glebe of the Pariſh to whoſe Incumbent and Succeſſors it is granted: This Act to be in Force for One and Twenty Years, and no longer.

CHAP. XI.

An ACT for Building ſeveral Pariſh-Churches in more convenient Places.

WHEREAS the Pariſh-Church of the Pariſh of Fanlobbus in the Dioceſs of Cork, is in a ruinous condition, and inconveniently Situate, remote from the Proteſtant Inhabitants of the ſaid Pariſh; Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That it ſhall and may be Lawful to and for the Biſhop of Cork, and the Rector, Vicar, or other Incumbent of the ſaid Pariſh for the time being, with the Conſent of the major Part of the Proteſtant Inhabitants thereof in Writing under their Hands and Seals, to Build a new Church in ſuch more convenient Place in the ſaid Pariſh, as they ſhall think fit, the Land for the Church and Church-Yard being firſt conveyed by the Proprietor of ſuch Place to the Church-Wardens of the ſaid Pariſh and their Succeſſors for ever; who are hereby enabled to take and receive a Grant of the ſame, to them and their Succeſſors in Truſt for, and to the Uſe of the ſaid Pariſh; and that ſuch new Church, when Built and Conſecrated, be reputed and remain the Pariſh-Church of the ſaid Pariſh for ever: And that the Pariſh-Church of the Pariſh of Kilmacomoge in the County of Cork, being alſo Ruinous and inconveniently Situate, may in like manner and upon the ſame term, and with the like conſent as aforeſaid, be removed, and new Built in ſome more convenient Place in the ſaid Pariſh; and that ſuch new Church, when Built and Conſecrated as aforeſaid, ſhall for ever be reputed and remain the only Pariſh-Church of the ſaid Pariſh of Kilmacomoge for ever.

And whereas the Pariſh-Church of Drumaul lying in the Dioceſs of Connor and County of Antrim, is now ruinous, and

the Situation of it very incommodious for the Parishioners to resort unto.

And whereas the Earl of Donnegall the Patron of the said Church, and Edward Lord Bishop of Down and Connor, the present Bishop of the said Diocess, the Incumbent and the Parishioners of the said Parish, by an Act of Vestry have chosen and presented the Corporate Town of Randalstown, lying within the said Parish, to be a more convenient Situation for the said Parish-Church; Be it Enacted by the Authority aforesaid, That the said Parish-Church shall be Built in some convenient part of that piece, parcel, or plot of Ground in the Town-Land of Dunmore near the said Town of Randalstown within the said Parish, now and formerly used for a Burying-place; and that the Church to be Built on the said plot of Ground, so soon as it shall be Finished and Consecrated, shall be deemed and reputed the true and only Parish-Church of the said Parish of Drumaul, to all intents and purposes whatsoever.

And whereas the Parish-Church of Finvoy within the said Diocess of Connor and County of Antrim, is also ruinous, and the old Situation of it is very incommodious for the Parishioners to resort unto: And whereas the said Edward Lord Bishop of Down and Connor, who in right of his said See of Connor is Patron of the said Parish, and Doctor Anthony Cope the present Incumbent thereof; and also the Parishioners of the said Parish by an Act of Vestry have chosen and represented another Place upon the Estate of Benjamin Galland Esquire, within the said Parish; and have accordingly laid the Foundation of a new Church in the said Place; Be it Enacted, That the said new Church, when Finished and Consecrated, shall be deemed and reputed the true and only Parish-Church of the said Parish of Finvoy, to all intents and purposes whatsoever.

Provided, That the Ground whereon the said Church standeth shall with a convenient Church-Yard be first conveyed by Benjamin Galland Esquire, Proprietor thereof, and his Heirs, to the Church-Wardens of the said Parish and their Successors, in Trust and for the Use of the said Parish; who are hereby enabled, notwithstanding the Act of Mortmaine, to take the same.

And whereas the Parish of Kilead in the said Diocess of Connor and County of Antrim, though very large and well Inhabited, wants a Parish-Church; and that the Situation of the Old Parish-Church, cannot be now ascertained: And whereas the Lord Viscount Massareen the Patron of the said Church, and the said Edward Bishop of Down and Connor, and the present Incumbent and Parishioners by an Act of Vestry have determined to Build a Church for the said Parish; and that a Sum of Money is laid on and applotted by the same Act of Vestry for Building the said Church, but that the Ground on which the said Church shall be Built is

not

not yet fixed and determined. And whereas Application is now making for a convenient piece of Ground near the Centre of the said Parish; Be it Enacted, That when such Ground shall be obtained, and a Church shall be Built, Finished and Consecrated upon it, that the said Church shall be deemed and reputed the true and only Parish-Church of Kilead, to all intents and purposes whatsoever.

Provided, That the Ground on which the said Church shall be Built, shall with a convenient Church-Yard be first conveyed by the Proprietor of such Ground, to the Church-Wardens of the said Parish and their Successors, in trust and for the use of the said Parish, who are hereby enabled, notwithstanding the Act of Mortmaine, to take the same.

And whereas the three Parishes of Kilcommon, Robeen, and Tokeen, in the Diocess of Tuam, and in the Collation of the Archbishop of Tuam, in right of his See, are held in Title with other Livings, by one Incumbent, from which it is fit they should be divided after his Incumbency, and are fit to be perpetually United in themselves: And whereas the Parish-Churches of the said three Livings are all utterly Ruined, and also Inconveniently Situate for the Parishioners.

And whereas the Sum of Seventy Pounds was Assigned out of the Impropriate Tythes lately Forfeited in this Kingdom, to Build a Church in the Parish of Kilcommon, which Sum will not be sufficient to do the same, the Archbishop is willing to bestow One Hundred Pounds more of his own, and to convey one Plot of Ground of his own Inheritance for a Church-Yard, wherein the said Church may be Erected and Built; and also, one other Plot for a House, Shead, and Garden, where the Minister may Dwell near the said Church, and in such Place as may be most convenient for the Inhabitants of the said Three Parishes to resort unto for Divine Service; Be it therefore Enacted by the Authority aforesaid, That the said Three Parishes shall be, and are hereby United and Consolidated for ever, by the Name of the Parish of Kilcommon alias Hollymoath, and shall be deemed and held under one Title, as one Parish intire in it self, and distinguished from any other; and that it shall and may be Lawful for the present Archbishop and his Heirs, to convey without Licence of Mortmaine to the Church-Wardens of the said Parish, and their Successors for ever, such Plots of Ground as shall be necessary for the Uses aforesaid.

Provided, That the Church to be Built on a New Foundation, shall be placed as near the Centre of the said United Parishes as may be, and that the consent of the major part of the Protestant Inhabitants of the said Parishes be first had thereunto under their Hands and Seals; which Church, when Built and Consecrated, shall be reputed the Parish-Church of the said United Parishes to all intents and purposes whatsoever.

Saving to the Queen's Majesty, Her Heirs and Successors, and to the Archbishop of Tuam and his Successors, and to the present Incumbent only during his Incumbency, all such Right and Interest as they or any of them had in the said Parishes before they were thus United.

And whereas the Parishes of Aglish and Ilanedin, and the Rectory of Drumrany, lying intermixt with the Parishes of Breaghwy and Turlogh, in the Diocess of the said Archbishop of Tuam, and in the Collation of the said Archbishop in right of his said See, are Contiguous, and fit to be perpetually United: And whereas the Inhabitants of the said Parishes have Built and almost Finished a Church upon a New Foundation in the Town of Castlebar and Parish of Aglish, near the Centre of the aforesaid Parishes, all the Old Churches of the said Parishes being utterly ruined, and inconveniently situated for the Protestant Inhabitants of the said Parishes; Be it therefore Enacted by the Authority aforesaid, That the said Parishes shall be, and are hereby for ever United and made one entire Parish, by the Name of the Parish of Aglish alias Castlebar, and that when the Ground whereon the said Church standeth, with a convenient Church-Yard, shall be conveyed by Sir Henry Bingham Baronet, Proprietor thereof, or his Heirs, to the Church-Wardens of the said Parish and their Successors; who are hereby enabled, notwithstanding the Statute of Mortmain, to take the same; The said Church being duly Finished and Consecrated, shall thenceforth be deemed and reputed the only Parish-Church of the said United Parishes, to all intents and purposes whatsoever.

Saving to the Queen's Most Excellent Majesty, Her Heirs and Successors, and to the Archbishop of Tuam and his Successors, and to the present Incumbents during their Incumbency, all such Right, Title and Interest as they or any of them had before the passing of this Act; any thing herein contained to the contrary notwithstanding.

And whereas the aforesaid Edward Lord Bishop of Down and Connor and Sir Hans Hamilton Baronet, Patron, and Robert Hamilton, and Hans Montgomery Vicars of the Parishes of Ballywater, Ballyhabbert and Inishargy, in the Diocess of Down, have consented to the perpetual Union of the said Parishes from and after the Death of either of the said Incumbents, and that the Survivor shall have the said three Parishes; and that one Parish-Church shall be Erected in one of the Town-Lands of the Parish of Inishargy, which is conveniently Situate near the Centre of the said three Parishes; Be it therefore Enacted by the Authority aforesaid, That the said three Parishes shall be for ever United from and after the Death of either of the said Incumbents; and that the Survivor of the said Incumbents shall have the Vicarage of the said three Parishes during his Life; and after his Death the said Sir Hans Hamilton, his Heirs or Assigns, the undoubted Patrons of the said three Parishes, shall have and continue his

his and their Right of Presentation to the said Union as if the said Parishes had continued Distinct as heretofore: And that a Church shall be Built and Erected in one of the Town-Lands of the Parish of Inishargy, in such Place as shall be appointed by the Bishop of the said Diocess, with the consent of the Owner of the Land; the same with a convenient Church-Yard, being first conveyed to the Church-Wardens of the said United Parishes and their Successors for ever, at the Expence of the said United Parishes, to be Assessed and Apportioned by the Vestry in the same manner as the Church of each Parish if Distinct, ought to have been Built and Repaired if this Act had never been made: And the said Church, when Built and Consecrated, shall for ever remain and be deemed and reputed the true and only Parish-Church of the said three Parishes, to all intents and purposes whatsoever.

And whereas the Inhabitants of Rings-End near Dublin being numerous, are at a distance from Donebrook their Parish-Church, which is so inconveniently Situated, that the said Inhabitants often cannot come to attend Divine Service in the said Church, by reason of Floods and overflowing of the High-Way, by Tides and Waters; many of the Queen's Officers belonging to the Port of Dublin, many Strangers and Seamen do frequent the said Rings-End, and are detained there on the Lord's-Day; all which are deprived of the Service of God for want of a Church or Chappel for publick Worship near the said Rings-End: And whereas the Archbishop of Dublin, in whose Diocess the said Rings-End lies, as also, Doctor Enoch Reader, Archdeacon of Dublin, present Incumbent of the Parish of Donebrook, wherein the said Rings-End is, are humble Suiters to Her Most Excellent Majesty, That a Church or Chappel may be Erected in some convenient Place at Rings-End aforesaid: And whereas the Land near and convenient for the Erecting such a Church or Chappel belongs to Thomas Lord Viscount Merion, who is willing to grant and convey a sufficient parcel of Land to the Use aforesaid; Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Right Honourable Thomas Lord Viscount Merion, to Set out and Convey to the Lord Arch-Bishop of Dublin and his Successors, for a Place for the Erecting a Church or Chappel, and for a Church-Yard and other Conveniencies for the said Church or Chappel for the Use of the said Inhabitants of Rings-End, any Quantity of Land not exceeding two Acres Plantation-Measure, notwithstanding any Settlement of the said two Acres: And that it may and shall be Lawful for the said Archbishop and his Successors to apply One Hundred Pounds out of the Forfeited Tythes appointed for the Building the ruined Churches of Ireland, to the Building the said Church or Chappel.

And be it further Enacted by the Authority aforesaid, That this Act shall be taken and esteemed a Publick and General Act by all Judges in all Courts in this Kingdom.

And whereas the Parish Church of the Parish of Arcklow in the Diocess of Dublin, is ruinous and inconveniently seated: And whereas Sir Lawrence Esmond and Benjamin Mountney Esquire, have conveyed the Scite of the Abby of Arcklow for the Place of a Parish Church, being convenient for the same Purpose; Be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Arch-Bishop of Dublin, with the Consent of the present Incumbent and of the Vestry of the said Parish, to Constitute and Erect the said Abby into a Parish Church; and that after the Erection of the said Abby into a Parish Church the Parishioners of the said Parish shall be obliged to repair the same from Time to Time, and no other Church.

CHAP. XII.

An ACT for the Reviving an Act for taking away the Benefit of Clergy in some Cases: And for Transporting Felons.

WHEREAS by one Act of Parliament made in this Kingdom, in the Ninth Year of the Reign of our late Sovereign Lord King William the Third of Glorious Memory, Intituled, An Act for taking away the Benefit of Clergy in some Cases: It was among other things Enacted, That if any Person or Persons shall Feloniously steal or take away any Cow or Cows, Sheep or other Cattle, and be thereof Convict by Verdict or Confession; or shall stand mute, and will not directly answer to the Felony; or shall challenge peremptorily above the Number of Twenty Persons, or shall be Outlawed thereupon: If such Offence shall exceed the Crime of petty Larceny, or the Cattle stolen be of greater Value than Twelve Pence Sterling, such Person or Persons shall not be allowed the Benefit of his or their Clergy, but be wholly ousted for the same; which Act is now expired, but by Experience was found to be a good and profitable Law for this Kingdom, and fit to be revived and made perpetual: Be it therefore Enacted by the Queen's most Excellent Majesty, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Act be, and is hereby revived, and shall from and after the Tenth Day of February, One thousand seven hundred and three, be, remain and continue in full force for ever.

And

And be it further Enacted by the Authority aforesaid, That where any Person or Persons after the first Day of March, in this present Year of our Lord One thousand seven hundred and three, shall be Lawfully convict of the stealing of any Cows, Bullocks or Steers, not exceeding the Number of Two, or of any Sheep, not exceeding the Number of Ten; or of other Goods not of greater Value than Twenty Shillings, or of any other Felony not above the Value of Twenty Shillings, to be valued by the Jury that Tries such Felon, and the Value to be returned as Part of their Verdict, where the Benefit of Clergy by Law was heretofore allowed; or Persons convict of and condemned for concealing, succouring, abetting or harbouring any Tory, Robber or Rapparee, Presented and Proclaimed: That in Case the Judge or Judges of Assize before whom such Person or Persons is or shall be convict, together with the Grand Jury of the County at the said Assizes, shall think him or them fit Objects of Her Majesty's Mercy; that then and in such Case the said Judge or Judges of Assize shall and may, after having pronounced the Sentence of the Law on such Felons convict as aforesaid, respit the Execution of the said Sentence, and shall remand the said convict Felon or Felons to the common Goal of the said County, there to remain without Bail or Mainprize: And in case any Merchant, or other Person dealing or trading to any of Her Majesty's Plantations beyond the Sea, shall at any time after the said Conviction make Application to the Judge or Judges of Assize before whom such Felon or Felons was or were convict, to have such Felon or Felons delivered to him to be Transported to any of Her Majesty's Plantations beyond the Seas; that it shall and may be Lawful to and for the said Judges of Assize before whom such Conviction was, and they and every of them are hereby Impowered, Authorized and Required to grant and direct their Warrant to the Sheriff of the County, in whose Custody such convict Felon or Felons do remain, to deliver such convict Felon or Felons to such Merchant or other Person desiring the same: Which Warrant the said Judge or Judges are hereby respectively required to grant without Fee or Reward, provided the said Merchant or Person desiring the same be a solvent Person, and shall enter in one Bond or Recognizance of the Penalty of Twenty Pounds Sterling, before the said Judge or Judges granting the said Warrant, that immediately on the Receipt of the said Warrant he will receive and take such convict Felon or Felons from the Sheriff or Goaler in whose Custody he, she or they then is, and convey him, her or them on board some Vessel or Ship then bound immediately for some Part of her Majesty's Plantations beyond the Seas, and transport and land him, her or them in some Part of the said Plantations, except prevented by the Parties Death, Casualties of the Seas, or being taken by an Enemy; and he return a Certificate thereof from the Governor or

Chief Magiſtrate of the Place where ſuch Perſon is ſo Landed, within Eighteen Months after the Date of the ſaid Bond or Recognizance; which ſaid Bond or Recognizance ſhall be delivered to the Clerks of the Peace of the County from whence ſuch Priſoner was taken within three Months after the Date hereof, to the end the Grand Jury at the Quarter Seſſions may inquire whether ſuch Priſoner or Priſoners was or were Tranſported according to the Tenor of the ſaid Bond or Recognizance; and if it be found they were not, then the ſaid Bond or Recognizance to be immediately returned into Her Majeſty's Court of Exchequer, to be put in Suit againſt the Party bound therein, for which Bond the ſaid Merchant or other Perſon as aforeſaid, ſhall pay Twelve Pence, and no more; and upon Return of a Certificate from the Governor or Chief Magiſtrate, of ſuch Perſon or Perſons being Landed as aforeſaid, beyond Seas, the ſaid Bond or Recognizance ſo entred into as aforeſaid, ſhall be delivered up to be Cancelled to the Party producing ſuch Certificate without any Fee or Reward: And the Sheriff or Goaler in whoſe Cuſtody ſuch convict Felon or Felons do remain, are hereby reſpectively Required and Authorized on Receipt of ſuch Warrant from the Judge or Judges of Aſſize as aforeſaid, to deliver all and every ſuch convict Felon or Felons in their Cuſtody, and mentioned in the ſaid Warrant, to the Merchant or other Perſon or Perſons according as the ſaid Warrant directs, without Fee or Reward, or being detained on any other Pretence whatſoever; and his or their Receipt on the back of ſuch Warrant ſhall be a full and ſufficient Diſcharge to the ſaid Sheriff or Goaler for the ſaid Priſoner or Priſoners mentioned in the ſaid Warrant.

And be it further Enacted by the Authority aforeſaid, That in Caſe any ſuch Priſoner or Priſoners delivered into the Hands of any Merchant or other Perſon for Tranſportation, by Virtue of any Warrant as aforeſaid, ſhall make his, her or their Eſcape from the ſaid Merchant or other Perſon to whom he or ſhe is delivered as aforeſaid, either before or after his, her or their being put on Shipboard in order to his, her or their Tranſportation as aforeſaid; or having been Tranſported ſhall return again into this Kingdom; that then and in ſuch caſe the ſaid Perſon or Perſons ſo making his, her or their Eſcape, or returning again into this Kingdom, wherever he, ſhe or they are or ſhall be found in this Kingdom, ſhall and may be apprehended by any Perſon or Perſons whatſoever that do know him, her or them to be ſuch Perſon or Perſons that have made Eſcape or returned as aforeſaid, or by Warrant from any Juſtice of the Peace in any County of this Kingdom, where ſuch Perſon or Perſons having made his, her or their Eſcape, or returned as aforeſaid, ſhall or may be found; and being apprehended, ſhall immediately be brought before the next Juſtice of the Peace, who

who is hereby Authorized and Required to commit such Person or Persons to the common Goal of the said County, there to remain without Bail or Mainprize till the next General Assize or Sessions of Oyer and Terminer and Goal Delivery; and on produce of a Certificate or Copy of the Record under the Hand of the Clerk of the Crown where such Person was convicted as aforesaid; which Record of Attainder the respective Clerks of the Crown of the several Counties, and Clerks of the Peace of the City and County of Dublin are forthwith hereby Required to make up, and an Attested Copy of the Judges Warrant to the Sheriff of the County for delivering him, her or them to be Transported; and of the Receipt of the Merchant or other Person to whom such Person or Persons was or were delivered to be Transported; that then and in such Case the said Judge or Judges of Assize, or Commissioners of Oyer and Terminer and Goal Delivery, before whom such Person or Persons shall be brought, such Person or Persons appearing by his or their Confession in open Court, or by Verdict of a Jury, to be the Person or Persons so convicted and escaped, or returned as aforesaid; shall cause the said Person or Persons to be forthwith Executed according to the Sentence pronounced against him, her or them at the time of his, her or their Conviction as aforesaid.

And in case such Certificate or Copy of the Record of Conviction, and Attested Copy of the Judge's Warrant to the Sheriff, and the Receipt thereupon, cannot be produced by the next Assizes after the Apprehending of such Person or Persons making Escape or returning as aforesaid; that then and in such case such Person or Persons shall be continued in the Goal of the said County without Bail or Mainprize until the following Assizes or Sessions of Oyer and Terminer and Goal Delivery to be held for the said County: And if such Certificate or Copy of Record of Conviction, and Attested Copy of the Judge's Warrant to the Sheriff, and Copy of Receipt thereupon, be then obtained and produced, Warrant for Execution shall in open Court be awarded in Manner aforesaid; or in default thereof such Person or Persons so accused of making his Escape, or returning as aforesaid, shall be Acquit and Discharged without Fee or Reward.

Provided always, and be it further Enacted, That if any Person or Persons convict and condemned for any of the Offences and Felonies aforesaid, shall not procure some Merchant or other Person to enter into such Bond or Recognizance for his, her or their Transportation as aforesaid, and to take and receive him, her or them out of the Custody of the Sheriff and Goaler in whose Custody they shall remain, within the space of Nine Months after such Conviction and Condemnation; that then and in such case the next going Judge or Judges of Assize at the next Assizes after the Expi-

ration of the ſaid Nine Months ſhall and may, and they and every of them are hereby Authorized and Required to Iſſue a Warrant to the Sheriff of the County for Execution of all and every ſuch condemned Felon or Felons, according to their former Sentence, that ſo the Goals of the Kingdom may be delivered.

CHAP. XIII.

An ACT for continuing Two Acts againſt Tories, Robbers and Rapparees.

WHEREAS in a Parliament held in the ſeventh Year of the Reign of his late Majeſty King William of Glorious Memory, an Act was made, Intituled, An Act for the better Suppreſſing Tories, Robbers, and Rapparees, and for preventing Robberies, Burglaries, and other henious Crimes, to ſupply the Defects of which another Act was made in the Ninth Year of the Reign of his ſaid late Majeſty, Intituled, An Act to ſupply the Defects, and for the better Execution of an Act paſſed this preſent Seſſion of Parliament, Intituled, " An Act for the better Suppreſſing Tories, " and Rapparees, and for preventing Robberies, Burglaries, and other Heinous Crimes, both which Acts by Experience are found to be good and profitable Laws for this Kingdom, and fit to be further continued: Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the ſaid Acts be, and are hereby continued, and ſhall remain and continue in Force and Effect for Seven Years from the End of this preſent Parliament, and to the End of the next Seſſion of Parliament after the Expiration of the ſaid Seven Years and no longer.

CHAP. XIV.

An ACT for Naturalizing of all Proteſtant Strangers in this Kingdom.

CHAP.

CHAP. XV.

An ACT to prohibit Butchers from being Graziers; and to Redreſs ſeveral Abuſes in Buying and Selling of Cattle; and in the Slaughtering and Packing of Beef, Tallow and Hides.

WHEREAS great Inconveniencies happen to this Kingdom by Butchers following the Trade or Occupation of Graziers, and by their Engroſſing Cattle into their Hands to Sell again to other Butchers; and by Buying of Cattle in Fairs, Markets, and Selling them again in the ſame Fair and Market: For remedy whereof for the future, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That no Perſon or Perſons whatſoever from and after the Firſt Day of May, which ſhall be in the Year of our Lord God One thouſand ſeven hundred and four, being a Butcher, or Uſing or Exerciſing the Craft or Myſtery of a Butcher within this Kingdom, ſhall at the ſame time uſe, follow or exerciſe the Trade or Occupation of a Grazier, or ſhall hold or keep any Land in his or their Poſſeſſion, or in the Poſſeſſion of any other to his uſe, or in truſt for him, for the Grazing, Fatting, or Keeping of any manner of Oxen, Steers, Ronts, Cows, Heifers, Calves, Sheep or Lambs, above the quantity of Twenty Acres, on pain that as well the Butcher and Butchers, and ſuch Perſon or Perſons ſo poſſeſſed as aforeſaid, ſhall ſeverally forfeit for every Month that he or they ſhall Offend therein the Sum of Twenty Pounds Sterling, the one Moiety of which Forfeiture to be to the Queen's Majeſty, Her Heirs and Succeſſors; the other Moiety to him or them that will Sue for the ſame in any of Her Majeſty's Courts of Record in Dublin, by Action of Debt, Bill, Plaint or Information; in which no Eſſoign, Protection or Wager of Law ſhall be allowed, or more than one Imparlance.

And it is hereby further Enacted and Provided, That no Perſon or Perſons Uſing or Exerciſing the Trade, Craft or Myſtery of a Butcher, within the City of Dublin, or within Five Miles thereof, ſhall from and after the Firſt Day of May next enſuing, Sell any Fat Oxen, Steers, Cows, Sheep, Calves or Lambs, either Alive or Dead, to any other Perſon or Perſons Uſing or Exerciſing the ſame Trade or Myſtery of a Butcher, on pain of Forfeiting double the Value of all ſuch Oxen, Steers, Cows, Sheep, Calves or Lambs ſo Sold by him or them to any other Butcher contrary to the true in-

tent and meaning of this Statute, the one Moiety of which Forfeiture to be to the Queen's Majesty, Her Heirs and Successors, the other Moiety to him that will Sue for the same.

And it is hereby further Enacted and Provided, That no Person or Persons Using or Exercising the Trade of a Butcher shall from and after the First Day of May, in the Year of our Lord God One thousand seven hundred and four, keep at Hay or shall Feed any Oxen, Steers, Cows or Heifers above the space of Ten Days, on pain of forfeiting all such Oxen, Steers, Cows or Heifers so kept at Hay, or shall Feed contrary to the true intent and meaning of this Statute.

And be it further Enacted by the Authority aforesaid, That no Person or Persons Using or Exercising the Trade of a Butcher shall from and after the First Day of May next ensuing Sell, offer or expose to Sale in any Market, or elsewhere, either by himself or any Servant or Agent whatsoever, any Oxen, Cows, Steers, Heifers, Calves, Sheep or Lambs alive, to any Butcher or other Person whatever within Twenty Miles of the Place where he or they shall Buy the said Fat Oxen, Steers, Cows, Heifers, Calves, Sheep or Lambs on pain of Forfeiting the full Value of all such Oxen, Steers, Cows, Heifers, Calves, Sheep or Lambs so Sold, offered or exposed to Sale contrary to the true intent and meaning of this Statute; the one Moiety of which Forfeiture to be to the Queen's Majesty, Her Heirs, and Successors, the other Moiety to him or them who will Sue for the same as aforesaid.

And it is hereby further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, who shall Buy any manner of Cattle or Sheep whatsoever, in any Market or Fair in this Kingdom, shall or may Sell or expose the same Cattle or Sheep to Sale again in the same Market or Fair on the same Day, on pain of Forfeiting the full value of all such Cattle or Sheep so Sold or exposed to Sale contrary to the true intent and meaning of this Statute; the one Moiety of which Forfeiture to be to the Queen's Majesty, Her Heirs and Successors, the other Moiety to him or them who will Sue for the same as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Butcher or other Person or Persons whatsoever, in any Market or Fair, or elsewhere in this Kingdom, do give or strike Earnest for any Beast or Beasts, or parcel of Cattle or Sheep, if the Person that offers to Sale the said Cattle, do not after the striking and receiving the said Earnest declare that it is a Bargain, and that he is content to receive and keep the said Earnest, that it shall and may be lawful for every such Person to sell the same Cattle, Beast or Sheep to any other Person whatsoever that shall afterwards Bargain with him and Buy the same notwithstanding such Earnest remaining in his Hands: And that no Master or Wardens

Wardens of any Corporation or Fraternity of Butchers in this Kingdom, shall by virtue of any By-Law, or pretended By-Law of their Corporation or Fraternity, punish or fine any Freeman or other Person for Buying or Selling any such Beast, Cattle or Sheep, where Earnest was laid down, and was declared to be agreed to and accepted as Earnest as aforesaid.

And that no other Magistrate or Justice of the Peace whatsoever shall Order or Adjudge the Seller of any such Cattle to stand to or perform any Bargain to which he did not declare such his Assent after Earnest struck or laid in his Hands as aforesaid, on pain to Forfeit Five Pounds Sterling for every such his Offence; the one half of this Penalty to be to Her Majesty, Her Heirs and Successors, the other half to him or them that shall sue for the same as aforesaid. Be it further Enacted by the Authority aforesaid, That no Merchant or Merchants, nor any other Person or Persons whatsoever, shall from and after the Twenty Fifth Day of March, in the Year of our Lord One thousand seven hundred and four, Kill or Slaughter any Oxen, Cows, Steers, or Heifers to be Salted, Packed or Barreled for and by way of Merchandize, to be Transported beyond the Seas under the Age of Five Years, on pain of Forfeiting of the same, or the value thereof; the one Moiety of which Forfeiture to be to Her Majesty, Her Heirs and Successors, the other Moiety to him that will Sue for the same as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever from and after the Twenty Fifth Day of March aforesaid, shall Ship or Convey, or cause, or procure to be Shipped or Conveyed in or to any Ship, Boat or Vessel in or upon the Sea; or in or upon any Haven, River, Creek or Place within this Kingdom, any manner of Beef Salted, Packed or Barreled, that at the time of Killing or Slaughtering thereof, was not of the Age of Five Years, knowing the same to be under that Age at the time of the Killing thereof, to the intent to Transport or Carry the same into any the Parts beyond the Seas, there to be Uttered, Bartered or Sold by way of Merchandize or otherwise; every such Person or Persons shall Forfeit every such Barrel of Beef so Laden, Shipped or Transported contrary to the tenor and true meaning of this Act, or the value thereof; the said Forfeiture to be recovered in Manner and Form aforesaid.

And whereas the false Packing of Beef for Exportation is very prejudicial to the Trade of this Kingdom; Be it therefore Enacted by the Authority aforesaid, That every Barrel of Beef, that from and after the Twenty Fifth of March, in the Year of our Lord One thousand seven hundred and four, which shall be Salted and Packed up by any Person or Persons whatsoever, by way of Merchandize, to be Transported beyond the Seas, shall contain at the least

Two Hundred Weight of Neat Beef, at One Hundred and Twelve Pounds to the Hundred, upon Pain of Forfeiture of every Barrel of Beef that shall be found Packed up, and ready for Exportation, that doth not contain Two Hundred Weight of Neat Beef, at One Hundred and Twelve Pounds to the Hundred, as aforesaid, in whose Hand soever the same is found, whether in the Hands of the Persons that Salted and made up the said Beef, or in the Hands of the Merchant or any other Person that should or might Export the same: The said Forfeiture to be recovered as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Butcher by himself or any other Person, shall unnecessarily Gash or Cut any Hide of any Ox, Bull, Steer, or Cow, in Killing or Slaying thereof or otherwise, whereby the same shall be impaired or hurt, upon pain of Forfeiture for every Hide so Gashed or Cut, the Sum of Twenty Pence.

And be it further Enacted by the Authority aforesaid, That all and every Tallow-Chandler or other Person that Melts or Renders Tallow for Sale, shall from and after the said Twenty Fifth Day of March, One thousand seven hundred and four, Brand every Cask of Tallow with the Letter of his Name on each Cask, and shall also Mark the Tare of each Cask upon the Cask; and if upon Tryal the Tare prove more than is Marked on the Cask, that then the Seller shall allow and abate the Buyer Six Pence per Pound, for each Pound the Tare shall Weigh more than the same is Marked.

And whereas it is very usual for Butchers in Smithfield-Market, and the several other Markets of this Kingdom, to agree for Cattle and give Earnest for the same to the Seller, and then go away and keep the Seller waiting the whole Day, and many times to the next Day, before they come to Pay the Money for the said Cattle, and take them away to the great Damage of the Seller: For Remedy whereof, Be it Enacted by the Authority aforesaid, That no Person or Persons whatsoever that Sells any Beasts, Sheep, Lambs, Hogs, or any other sort of Cattle whatsoever in Smithfield-Market, or in any other Market or Fair in this Kingdom, shall be obliged to wait for or attend the Buyer of such Cattle above the space of Two Hours after such Earnest given as aforesaid; and that in case the Buyer does not come and Pay down the full Price agreed for, and receive the Cattle Sold him within the space of Two Hours after such Bargain made and Earnest given as aforesaid; that then the said Buyer shall lose and forfeit the Earnest he so gave, and that then it shall and may be lawful to and for the Seller of such Cattle to expose the same to Sale again, and to Sell the said Beasts and Cattle to any other Person whatsoever, and to keep the aforesaid Earnest; and where the Seller of such Beast or Cattle, shall not by reason of the Earnest given

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en and Bargain made, as aforesaid, Sell such Beast or Cattle to any other Person in the said Market, and every such Person so contracting to Sell, shall and may by Action on the Case recover his Damages for the loss of his Market, and such other loss as he shall sustain thereby, with his full costs of Suit.

And for the more speedy and effectual putting this Act in Execution in and through this whole Kingdom; Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Justices of the Peace of the several Counties of this Kingdom respectively, at and in their respective Quarter-Sessions, to enquire into, hear and determine all and every the Offences aforesaid, and upon the Conviction or Convictions of such Offenders before them, to make Extracts of the one Moyety of the said Forfeitures into Her Majesty's Court of Exchequer, in order to Levy the same to Her Majesty's Use, in such manner as had been used to be done in case of other Fines, Issues and Amerciements grown due and forfeited to Her Majesty in the Sessions of the Peace, and to Award and Issue forth Execution for the other Moyety Due by this Act to the Informer or Prosecutor by Writs of Capias or Fieri facias out of the said Court of Sessions, in such sort as the Court of Queen's-Bench at Dublin can, may, or have in such cases used to do.

Provided nevertheless, and it is hereby Declared, That no Person or Persons whatsoever, shall at any time hereafter be Sued, Troubled or Molested for any Offence or Offences done or committed, or supposed to be done or committed against this Act, unless such Prosecution shall be begun within Six Kalendar Months next after the said Offence or Offences committed.

And be it further Enacted by the Authority aforesaid, for the preventing of Vexatious Informations and Prosecutions by colour of this Act, That if upon any Information or other Prosecution grounded upon this Act, it shall appear to the Judges or Justices of the Peace before whom such Information shall be presented, that such Information or Prosecution was promoted only for Vexation, and without any reasonable Cause, the said Judges or Justices of the Peace shall, and are hereby required by virtue of this Act, toward the Party so Unjustly Accused or Prosecuted, treble Costs, occasion'd by such Vexatious Prosecution; the same to be recovered and levied by Capias or Fieri facias.

And be it further Enacted by the Authority aforesaid, That if any English Information or Bill shall be brought against any Person or Persons Offending contrary to the Tenor of this Act, That then every such Person or Persons against whom such Bill or Information shall be Exhibited, shall put in his or their Answer or Answers to such Information or Bill so Exhibited against him or them, on his and their Corporal Oath and Oaths; and that no Plea or Demurrer

unto ſuch Information, ſhall in any wiſe be allowed in reſpect of the Penalty of this Act: Which ſuch Anſwer or Anſwers may ſubject ſuch Perſon or Perſons unto.

And be it further Enacted by the Authority aforeſaid, That if any Action, Sute, Plaint or Information, ſhall be commenced or Proſecuted againſt any Perſon or Perſons for whatever he or they ſhall do in Purſuance or in Execution of this Act, ſuch Perſon or Perſons ſo Sued in any Court whatſoever, ſhall and may Plead the General Iſſue, Not Guilty; and upon any Iſſue Joyned, may give this Act, and the ſpecial Matter in Evidence; and if the Plaintiff or Proſecutor ſhall become Nonſuit, or forbear further Proſecution, or ſuffer a Diſcontinuance, or if a Verdict ſhall paſs againſt him, the ſaid Defendant or Defendants ſhall recover his or their treble Coſts; for which he and they ſhall have the like remedy as in Caſe where Coſts by Law are given to the Defendants.

Provided always, That this Act ſhall be and continue in Force for the ſpace of Seven Years from the First Day of February, One thouſand ſeven hundred and three; and from thence to the End of the next Seſſions of Parliament, and no longer.

CHAP. XVI.

An ACT for reducing of Intereſt of Money to Eight *per* Cent for the future. *Expir'd.*

CHAP. XVII.

An ACT to Supply the Defects of an Act paſt in the ſeventh Year of the late King *WILLIAM*, Intituled, *An Act for the better Regulating of Meaſures in and throughout this Kingdom.*

WHEREAS in the Seventh Year of the late King William the Third, an Act of Parliament was paſt in this Kingdom for Regulating the Meaſures of Grain, Intituled, An Act for the better Regulating of Meaſures in and throughout this Kingdom: Which ſaid Act has not met with that good effect as by the ſame was intended, for that the Penalty mentioned in the ſame is equal upon the Seller as on the Buyer, ſo that none can inform without apparent Prejudice to himſelf, and that Bakers, Malſters, and other Dealers in Corn, do Imploy Indigent and Inſolvent Perſons to Buy and Meaſure

Meaſure Coꝛn and Gꝛain by other Meaſures contꝛaꝛy to the ſaid Statute, who aꝛe not able to anſwer the Penalty of the ſaid Act; Foꝛ Remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Loꝛds Spiritual and Tempoꝛal, and Commons in this pꝛeſent Paꝛliament Aſſembled, and by the Authoꝛity of the ſame, That the Penalty mentioned in the afoꝛeſaid Act, ſhall in no caſe be inflicted on the Seller, but on the Buyer: And that in caſe any Baker, Malſter oꝛ Dealer in Coꝛn, ſhall Imploy any ſuch Indigent and Inſolvent Perſon oꝛ Perſons who ſhall not be able, as afoꝛeſaid, to anſwer the Penalty of the ſaid Act, to Buy, Receive oꝛ Meaſure any Coꝛn oꝛ Gꝛain foꝛ them, by any other Meaſure than as is exꝛeſſed by the ſaid Act; that then the Paꝛty oꝛ Paꝛties Imploying ſuch Receiver, Buyer oꝛ Meaſurer, ſhall be liable to the Penalty mentioned in the afoꝛeſaid Act.

CHAP. XVIII.

An ACT for the Recovery of ſmall Debts, &c.

Expired.

ACTS

Anno Regni Quarto Annæ Reginæ.

CHAP. I.

An Act for granting to Her Majesty an Additional Duty on Beer, Ale, Strong Waters, Tobacco, Callicoes, Linnens, Muslins, and other Goods and Merchandizes.

CHAP. II.

An Act to Explain and Amend an Act, Intituled, *An Act for Registring the Popish Clergy.*

WHEREAS two Acts lately made for banishing all Regulars of the Popish Clergy out of this Kingdom, and to prevent Popish Priests from coming into the same; as also one other Act, Intituled, An Act for Registring the Popish Clergy, may be wholly Eluded; and by means thereof future Rebellions may be encouraged and promoted by the great numbers of Popish Priests that already have been or hereafter may be Ordained in this Kingdom by the Authority of the Church of Rome, in Regard the aforesaid Acts do not extend to such Persons as have been or may be Ordained Popish Priests since the Expiration of the time appointed by the said Act for Registring the Popish Clergy as aforesaid: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any Popish Priest or Priests, or person whatsoever exercising the Office or Function of a Popish Priest, shall after the Four and twentieth Day of June, in the Year of our Lord One thousand seven hundred and five, be found in this Kingdom, other than such Priests who have actually Register'd their Names in pursuance to the aforesaid Act made for Registring the Popish Clergy, as aforesaid; shall be, and are hereby declared to be liable to such Penalties, Forfeitures and Punishments as by the aforesaid Act made for Banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy, out of this Kingdom, are imposed on Popish Arch-Bishops, Bishops, Vicars General, Deans, Jesuits, Fryars, or any other Papists exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom contrary to the said Act.

This Act made perpetual, 8 *Anna Chap.* 3.

Every Popish Priest Exercising that Office or Function, and their Concealers, to suffer Penalties, &c. that are not Registred.

II. And be it further Enacted by the Authority aforesaid, That any Person or Persons who shall after the said Four and twentieth Day of June knowingly Harbour, Relieve, Conceal or Entertain any such Clergyman of the Popish Religion, or other Person or Persons exercising the Office or Function of a Popish Priest as aforesaid, and not Register'd as aforesaid,

shall be liable to such Penalties and Forfeitures as by the said Acts are imposed on the Harbourers, Relievers and Concealers of any Popish Arch-Bishop, Bishop, Vicar General, Dean, Jesuit, Fryer, or Regular Popish Clergyman; to be levied on them and every of them in the same manner as by the said Acts is directed.

All Civil Officers and other Subjects to use their diligence to Apprehend them.

III. And all Justices of the Peace, Sheriffs, High and Petty-Constables, and all other Her Majesty's Loving Subjects, are hereby required to use their utmost diligence in apprehending all such Popish Priests, and other Person or Persons exercising the Office or Function of a Popish Priest as aforesaid, and not Register'd as aforesaid.

If they neglect to forfeit 50*l.*

IV. And be it further Enacted by the Authority aforesaid, That if any Mayor, Justice of the Peace, or other Officer, knowingly and voluntarily shall neglect his or their Duty in execution of this Act; every such Mayor, Justice of the Peace, and other Officer, shall for every such Neglect forfeit the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Protection, Essoin or Wager of Law shall be allowed, nor more than due Imparlance; one Moiety thereof to the Queen's Majesty, Her Heirs and Successors, and the other Moiety to the Informer or Person that shall Sue for the same. This Act to continue in force to the One and twentieth Day of September, which shall be in the Year of our Lord One thousand seven hundred and Eight, and to the end of the then next Sessions of Parliament, and no longer.

CHAP. III.

An Act to Repeal an Act, Intituled, *An Act for the Advancement of the Trade of Linnen Manufacture.*

17th and 18th of K. *Ch.* 2d. is hereby Repealed.

WHEREAS an Act of Parliament made in the Seventeenth and Eighteenth Years of the Reign of the late King Charles the Second of Blessed Memory, Intituled, An Act for the Advancement of Linnen Manufacture, has been found by long Experience to be impracticable in some points, and altogether ineffectual for the purposes thereby intended, and nevertheless contains many and grievous Penalties very burthensome to Her Majesty's Subjects; and that other and much better Methods are taken and pursued for the Advancement of the said Trade: Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the aforesaid Act, and every Clause thereof, be henceforth Repealed, and made null and void; and that all Her Majesty's Subjects be and are hereby discharged, released and forgiven all the Fines, Forfeitures, Penalties and Punishments that are, might or may be Inflicted, Incurred or Suffer'd for or by reason of the said Act, or any Article or Clause therein contained.

CHAP.

CHAP. IV.

An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom.

FOR the Encouragement of the Linnen Manufactures in this Kingdom, and preventing Abuses therein, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no Person or Persons whatsoever shall after the First Day of May, in the Year of our Lord God One thousand seven hundred and six, sell or expose to Sale any Linnen Yarn made in this Kingdom, other than in Hanks or Dozens, each Hank or Dozen consisting of Twelve Cutts, and no more; and each Cutt containing One hundred and twenty Threads, and no more: And that all the Yarn contained in the said Hank or Dozen be Flaxen Yarn only, or Tow Yarn only, of the same Colour and Fineness; and that no Tow Yarn be intermixed with the said Flax Yarn; and that each Hank or Dozen be of one Yard and a Quarter in length, and no more: That each Cutt shall be separated as the same shall be Reeled, and not afterwards; and that in the Reeling of the said Linnen Yarn no Person or Persons shall Reel more than One Thread at a time; and that the Standard Reel of this Kingdom shall be Two Yards and an Half in Circumference: That each Person or Persons who shall sell or expose to Sale any Flaxen or Hempen Yarn in other manner than as aforesaid, and shall be thereof Convicted, as herein after is mentioned and expressed, shall Forfeit the whole Hank in which any Cutt shall be falsly made up to him, her, or them who shall Inform and Prosecute the same with effect. Statutable Yarn. Reel. Forfeiture of Yarn.

II. And forasmuch as great Prejudice arises to the Linnen Trade of this Kingdom, by reason that the Persons who deal therein make their Cloaths of such Dimensions as that they cannot be employ'd either at home or in Foreign Parts without great Waste and manifest Loss: For preventing whereof, Be it Enacted, That from and after the said First Day of May, One thousand seven hundred and six, no Linnen Cloath made in this Kingdom shall be sold or exposed to Sale that shall not be half an English Ell, or Two and twenty Inches and half broad at the least; and that no Linnen Cloath shall be exported that shall not contain half an English Ell, or Twenty two Inches and a half in Breadth at the least, and Twenty Yards in Length at the least, excepting Linnen Cloath made or to be made in Imitation of Kenting, Cambrick, Baptist or Lawns. That also from and thenceforth no Piece of Diaper consisting of Three quarters of a Yard, or Twenty seven Inches in Breadth, and under One Yard or Thirty six Inches in Breadth, shall contain less than Twenty six Yards in Length at the least. That each Piece of Diaper containing One Yard and half in Breadth or upwards, shall contain Twelve Yards in Length at the least. That each Piece of narrow Bed-ticks shall contain Twenty Inches in Breadth at the least and Fifteen Yards in Length at the least. And that each Piece of broad Bed-tick Breadths of Linnen. Lengths of Linnen.

which shall be Six Quarters or above in Breadth, shall contain Six Yards in Length at the least. And that all and singular the Canvas or Sail-Cloath made in this Kingdom, each Piece do contain Thirty six Yards in Length at the least. And that all Linnen Cloath whatsoever that is Exposed to Sale and Rolled up, be Tied at both ends, and not Stitched up, to the end the same may be Opened, and the better Examined by the Buyer. And that all and every Person and Persons that shall presume to do contrary to the Premisses, or any part thereof, shall for each Offence forfeit the said Piece of Cloath or Linnen Yarn made and exposed to Sale contrary to the true meaning hereof, to the Informer. All and singular which said Forfeitures and Penalties shall be Levied and Raised in manner following (that is to say;) That upon Information upon Oath to any Justice of the Peace or Chief Magistrate of any Corporation in this Kingdom, within the Limits of their respective Jurisdictions and Authorities, against any Person or Persons that shall have acted contrary to the purport and true meaning hereof; which Oath the said Justice of Peace or Chief Magistrate are hereby Required and Enabled to Administer: And thereupon the said Justice of the Peace or Chief Magistrate respectively, shall immediately Issue a Summons in Writing under his Hand and Seal, thereby Requiring the Person or Persons so Informed against, at a certain Day and Place within the Limits of the County or Corporation wherein the said Offence shall be committed, to appear before such Justices of the Peace or Chief Magistrate respectively, to answer the said Complaint: At which Time and Place the said Justice of the Peace or Chief Magistrate respectively shall in the Presence of the Person or Persons Accused, or in case of his or her Neglect to Appear, being duly Summoned, proceed to the Examination of the said Matter; and if it shall Appear to such Justice of the Peace or Chief Magistrate respectively, on Evidence upon Oath of One or more Credible Witness or Witnesses, that the said Person or Persons are Guilty of the said Offences, or any of them the said Justice of the Peace or Chief Magistrate respectively shall by Warrant under their respective Hands and Seals Levy the said respective Forfeitures; and if the said Piece of Cloath or Linnen Yarn cannot be found, then the said Justice of the Peace or Chief Magistrate shall Levy the value of Ten Shillings for each Piece of Cloath or Hank of Linnen Yarn Made or Sold contrary to the meaning hereof on the Goods and Chattles of the Person or Persons offending, by Distress, Sale or otherwise; and dispose of the said Forfeiture or Penalty to the Informer or Informers: And for Default of such Distress to be had and taken, that then every such Offender, being above the Age of Sixteen Years, shall by Warrant under the Hand and Seal of such Justice of the Peace or Chief Magistrate, be publickly set in the Stocks in the next Market-Town, on the Market-Day, in the time of High Market, for the space of Four Hours.

How to be made up.

Or Forfeited.

Forfeiture how Levied.

III. Be it further Enacted, That if any Action or Suit shall be Commenced or brought against any Justice of the Peace or Chief Magistrate, Constable, or other Officer or Person, whatsoever for doing or causing to be done, any thing in pursuance hereof, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence; and if upon such Action Verdict be given for the Defendant or the

Costs to the Defendant.

the Plaintiff become Non-suit, or discontinue his Action, then the Defendant shall have treble Costs.

IV. And be it further Enacted, That no Person shall be prosecuted or troubled for or by reason of the said Frauds and Abuses, unless the same be proved or prosecuted within Thirty Days next after the Sale or exposing to Sale of such fraudulent and corrupt Linnen Yarn or Cloath not made according to the Rules aforesaid. Time limited for Prosecution.

V. And be it further Enacted, That from and after the First Day of August, One thousand seven hundred and five, there shall be Paid no Duty whatever to Her Majesty, Her Heirs and Successors, for or on Account of the Exporting of any Flaxen or Hempen Cloath Made or Manufactured within this Kingdom. Linnen, Duty free.

VI. And be it further Enacted, That every Linnen Weaver being a Protestant, having Served his Apprenticeship to the said Trade for the space of Five Years, and being set up for himself, and keeping one Loom or more constantly employed in the Linnen Manufacture, shall be exempted from being Petty Constable or Church-Warden, or Sidesman for the term of seven Years from the time of his first setting up, and be a Freeman of the City or Town Corporate wherein he shall set up his Trade, during his Residence and following the said Trade therein; and be also exempted from serving on Juries at Assizes or Sessions. Weavers exempt from Juries.

VII. Provided nevertheless, and it is the true intent and meaning hereof, That no Protestant Weaver, as aforesaid, shall be Intitled to enjoy the aforesaid Privileges and Immunities unless he shall have Served Five Years Apprenticeship to the said Trade, and Worked Two Years after at the same as a Journeyman, except such as shall be actually Master Work-man or have passed their times of Apprenticeship before the Commencement of this Act. Proviso.

VIII. And be it further Enacted, That the like Privileges and Immunities shall Extend to all Foreigners Master Workmen, being Protestants, as are now or shall hereafter come into this Kingdom and set up Looms, and work at the Linnen Trade: And that no Toll shall, during the continuance of this Act, be paid or payable for any Linnen Cloath, Linnen Yarn, or for Hemp or Flax sold in any Market or Fair; or the Passage of them or any of them over any Bridge or through any Town or other Place whatsoever: And also that from and after the First Day of May, which shall be in the Year of our Lord God One thousand seven hundred and six, there shall be paid in this Kingdom half the Tythe of Hemp or Flax or the Twentieth part thereof, only for and during the Term of Three Years, and no longer. Foreigners exempt from Toll. Tythes.

IX. Provided, always, and be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for every Trader, Dealer and Weaver of the Linnen Manufacture to weave his Name or fix some known Mark to any Piece of Linnen, if he shall so think fit. Name wove in the Cloath

X. And if any other Person shall counterfeit the said Mark or Name, being Lawfully convict thereof upon Oath of one or more credible Witness or Witnesses before any two Justices of the Peace, he shall forfeit the Sum of Ten Pounds; the one Moiety thereof to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed: The same to be Levied by Distress and Sale of the Goods Counterfeit. To forfeit Ten pounds.

of the Perſon offending herein upon and after ſuch Conviction, as aforeſaid, by Virtue of the Warrant of ſuch Juſtices of the Peace before whom ſuch Conviction ſhall be made.

Aſhes, foreign Seeds, Looms Duty-free.

XI. And foraſmuch as Foreign Pot-Aſhes and Wood-Aſhes are abſolutely neceſſary for the carrying on of the Linnen Manufacture in this Kingdom; yet by reaſon of the exceſſive Duty which heretofore has been laid on the ſaid Foreign Aſhes, Merchants and Dealers therein are greatly diſcouraged and in great meaſure prevented from importing the ſame into this Kingdom: Be it Enacted, That from and after the Firſt Day of Auguſt, One thouſand ſeven hundred and five, no Duty ſhall be Demanded, Levied or Raiſed for or by reaſon of the importing of ſuch Foreign Pot-Aſhes or Wood-Aſhes; and likewiſe of all Holland Flax-Seeds, or of Ruſſia or Muſcovia Flax-Seed or Hemp-Seed; or for any Loom or Looms, to the uſe and behoof of her Majeſty, Her Heirs and Succeſſors; but that the ſame ſhall and may be from thenceforth freely imported into any parts of this Kingdom Duty free, any Law, Statute or Cuſtom to the contrary notwithſtanding.

Not to make uſe of Lime.

XII. And be it further Enacted, That no Perſon or Perſons ſhall make uſe of any Lime in the whitening or bleaching any Linnen Cloath or Linnen Yarn: The Offender to Forfeit the Sum of Five Pounds, and the Cloath or Yarn ſo whitened with Lime, to the Informer; to be Levied and Recovered in manner as before is limitted and appointed for the Recovery of the Pains and Penalties inflicted on ſuch as counterfeit the Name or Mark of the Traders, Dealers and Weavers.

Statute Yard.

XIII. And be it further Enacted, That all Linnen Cloath Sold in this Kingdom ſhall be meaſured by the Yard containing Thirty ſix Inches, excepting fine Linnen Cloath made in imitation of Holland, which ſhall be Meaſured and Sold by the Ell containing Forty five Inches.

CHAP. V.

An Act for Relief of Creditors againſt Fraudulent Devices.

WHEREAS it is not reaſonable or juſt that by the practice or contrivance of any Debtors their Creditors ſhould be defrauded of their juſt Debts; and nevertheleſs it hath often ſo happened, that where ſeveral Perſons having by Bonds or other Specialties bound themſelves and their Heirs; and have afterwards died ſeized in Fee-ſimple of and in Manors, Meſſuages, Lands, Tenements and Hereditaments; or had Power or Authority to diſpoſe of or charge the ſame by their Wills or Teſtaments, have (to the defrauding of ſuch their Creditors by their Laſt Will or Teſtament) deviſed the ſame, or diſpoſed thereof in ſuch manner as ſuch Creditors have loſt their ſaid Debts: For Remedy of which, and for the Maintenance of juſt and upright Dealing, Be it Enacted and Declared by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all Wills and Teſtaments, Limitations, Diſpoſitions or Appointments of or concerning any Manors, Meſſuages, Lands, Tenements or Hereditaments,

All Wills concerning any Lands, Rent, Profit, Term or Charge out of the ſame, where the deviſor ſhall be ſeized in Fee-ſimple, in Poſſeſſion, Reverſion or Remainder, or have power to diſpoſe of,

ments, or of any Rent, Profit, Term or Charge out of the same, whereof any Person or Persons at the time of his, her or their Decease shall be seized in Fee-simple, in Possession, Reversion or Remainder, or have Power to dispose of the same by his, her or their Last Wills or Testaments, to be made after the First Day of August, in the Year of our Lord One thousand seven hundred and five, shall be deemed and taken (only as against such Creditor or Creditors as aforesaid, his, her and their Heirs, Successors, Executors, Administrators and Assigns, and every of them) to be fraudulent, and clearly, absolutely and utterly void, frustrate, and of none effect: any Pretence, Colour, feigned or presumed Consideration, or any other Matter or thing to the contrary notwithstanding.

shall be deemed only as against Creditors upon Bond, &c. to be fraudulent.

II. And for the means that such Creditors may be enabled to recover their said Debts, Be it further Enacted by the Authority aforesaid, That in the cases before mentioned every such Creditor shall and may have and maintain his, her and their Action and Actions of Debt upon his, her and their said Bonds and Specialties, against the Heir and Heirs at Law of such Obligor or Obligors and such Devisee and Devisees joyntly, by virtue of this Act; and such Devisee or Devisees shall be liable and chargeable for a false Plea by him or them pleaded in the same manner as any Heir should have been for any false Plea by him pleaded, or for not confessing the Lands or Tenements to him Descended.

Such Creditor shall have their Actions of Debt against the Heirs at Law, and such Devisees jointly, &c.

III. Provided always, and be it Enacted by the Authority aforesaid, That where there hath been or shall be any Limitation or Appointment, Device or Disposition of or concerning any Mannors, Messuages, Lands, Tenements or Hereditaments, for the raising or payment of any real or just Debt or Debts, or any Portion or Portions, Sum or Sums of Money for any Child or Children of any Person, other than the Heir at Law, according to or in pursuance of any Marriage, Contract or Agreement in Writing bona fide made before such Marriage, the same and every of them shall be in full force; and the same Mannors, Messuages, Lands, Tenements and Hereditaments shall and may be holden and enjoyed by every such Person or Persons, his, her and their Heirs, Executors, Administrators and Assigns, for whom the said Limitation, Appointment, Devise or Disposition was made; and by his, her and their Trustee or Trustees, his, her and their Heirs, Executors, Administrators and Assigns, for such Estate or Interest as shall be so Limited or Appointed, Devised or Disposed, until such Debt or Debts, Portion or Portions shall be raised, Paid and satisfied; any thing in this Act contained to the contrary notwithstanding.

Devisee for Lands for just Debts or Childrens Portions, &c. the same to be in force.

IV. And whereas several Persons, being Heirs at Law, to avoid the payment of such just Debts as in regard of the Lands, Tenements or Hereditaments descending to them, they have by Law been liable to pay, have sold, aliened or made over such Lands, Tenements or Hereditaments before any Process was or could be issued out against them: Be it further Enacted by the Authority aforesaid, That in all cases where any Heir at Law shall be liable to pay the Debt of his Ancestor in regard of any Lands, Tenements or Hereditaments descending to him, and shall sell, alien or make over the same before any Action brought or Process sued out against him; that such Heir at Law shall be answerable for such Debt or Debts, in any Action or Actions of Debt to the Value of the said Land

Where any Heir at Law shall be liable to pay his Ancestors Debts &c.

so by him sold, aliened or made over; in which cases all Creditors shall be preferred as in Actions against Executors and Administrators: and such Execution shall be taken out upon any Judgment or Judgments so obtained against such Heir to the value of the said Land, as if the same were his own proper Debt or Debts; saving that the Lands, Tenements and Hereditaments (bona fide) aliened before the Action brought, shall not be liable to such Execution.

Where any Action of Debt is brought against an Heir he may plead *Riens per discent*, &c.

V. Provided always, and be it further Enacted by the Authority aforesaid, That where any Action of Debt upon any Specialty is brought against any Heir, he may plead Riens per discent at the time of the Original Writ brought or the Bill filed against him; any thing herein contained to the contrary notwithstanding: And the Plaintiff in such Action may reply, that he had Lands, Tenements or Hereditaments from his Ancestor before the Original Writ brought or Bill filed; and if upon Issue joyned thereupon it be found for the Plaintiff, the Jury shall inquire of the value of the Lands, Tenements or Hereditaments so descended; and thereupon Judgment shall be given, and Execution shall be awarded as aforesaid: But if Judgment be given against such Heir by Confession of the Action without confessing the Assets descended, or upon Demurrer or Nihil dicit, it shall be for the Debt and Damages without any Writ to inquire of the Lands, Tenements or Hereditaments so descended.

Devisee by this Act made liable, though the Lands devised be alienated before the Action brought.

VI. Provided also, and be it further Enacted, That all and every Devisee and Devisees made liable by this Act shall be liable and chargeable in the same manner as the Heir at Law by force of this Act, notwithstanding the Lands, Tenements and Hereditaments to him or them devised, shall be aliened before the Action brought.

CHAP. VI.

An Act to prevent the Illegal Raising of Money by Grand Juries: And the Misapplying of Money Legally Raised: And for the better Execution of an Act for the Mending the High-ways by six Days Labour: And for the Appointing Overseers of the High-ways by the Justices at their Sessions, in Default of Naming them by the respective Parishes.

WHEREAS it hath been of late Years the Practice of evil Persons, who have Regard more to their own private Advantage than to the Benefit of the Publick, to Procure Presentments to be made by Grand-Juries at Assizes, and General Quarter-Sessions of the Peace, for Raising Money for such Uses as by the Laws of this Kingdom are not at all Warrantable: And whereas others to Cover such their evil Intent have in like Manner procured large Presentments to be made for such Uses, as by the Laws of this Land were Warrantable, yet have Applied to the said Uses but a small Part of the Money, and have Diverted the Remainder to other Uses no Way Warranted by Law: Be it there-

therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the End of this present Session of Parliament, no Grand-Jury within any County or County of a Town or City within this Kingdom, do or shall present any Sum of Money to be Raised upon such County, Town or City, or upon any Barony or Parish within the same, for any Uses other than what are Appointed and Allowed by the Laws of this Land, or herein after contained: And that no Judge of Assize or Justice of the Peace in their Quarter-Sessions, nor Sheriff or Seneschals in their respective Courts, do or shall Pass, Allow or Confirm any such Presentment: And that every Grand-Juryman who shall Present any Money to be Raised, shall Sign his Name to every such Presentment; and the several Justices of the Peace, Sheriffs and Seneschals confirming such Presentments, shall Sign his Name to the Order for Confirmation thereof; otherwise such Presentment and Order are hereby Declared to be void.

No Money to be raised by Grand-Juries not allowed by the Laws of this Land, or herein after contained, nor no Judge of Assize or Justice of the Peace to confirm the same.

II. Provided nevertheless, That it shall and may be Lawful to and for the said Grand-Juries to make Presentments, and for the Judges, Justices, Sheriffs and Seneschals to Confirm the same, for the Raising of such Sums of Money as shall be necessary for the Building and Repairing of Session-Houses, and for the Repairing and Strengthening of Goals; and for Bolts or Shackles, Stocks, Whipping-posts, Ducking-stools, Pillories and Parish Pounds, as shall be necessary for the said several Uses and Purposes, as also for Conveying of any Person or Persons Accused for any Treason or Felony to the County Goal, being Twenty Miles Distance or upwards, so as the same do not exceed One Penny per Mile: As also such Sums as by the said Judge or Judges shall be thought necessary for the Destroying of Wolves, Kites and Foxes, and for the Recovering of Publick Money in the Hands of the Collectors and Receivers thereof, their Executors, Administrators and Sureties.

What they may present to raise Money for.

III. And for the preventing the Misapplying of Money Legally Raised, either in the whole or in part, to other Uses than for which the same was raised, Be it further Enacted by the Authority aforesaid, That from and after the End of this present Session of Parliament no Money Legally Raised by Presentment be Applied to any other Use than for what the same was Raised; and that if any Person who shall be Appointed in the said Presentment and Order thereon to be either the Collector, the Receiver or the Distributer of the Money thereby Raised, shall not at the next General Assizes or Quarter-Sessions of the Peace of the said County, or in a Reasonable Time to be by them respectively Appointed, make appear in his Account with good Vouchers, that the Money by him so Raised or Received shall have been expended and laid out pursuant to the said Presentment to the Use of the said County, he shall still stand and be chargeable with the same: And that every Person and Persons accountable for any Publick Money, shall (when thereunto Required by the Justices of the Peace at their General Quarter-Sessions, or by the Judge and Judges of Assize at their General Goal-Delivery) make his and their Account and Accounts on Oath at each General Quarter-Sessions or Assizes and General Goal-Delivery:

No Money raised to be put to any other use than what it was raised for.

When called to an account to be accounted on Oath, and the ballance if any be to be immediately paid, &c.

livery: And if such Accomptant or Accomptants shall Refuse and Neglect to Make a Fair and Just Account of all such Publick Money or shall upon such Account be found to have such Money, or any part, Remaining in his Hands; then and in such Case such Accomptant and Accomptants shall forthwith Pay such Money into the Hands of such Person or Persons as shall by such respective Grand-Jury and Justices of the Peace, or Justice or Justices of Assize and General Goal-Delivery be Presented and Ordered for the Use of such County, City or Town where such Publick Money shall be Raised; and in Default thereof such Person and Persons so Accountable shall by such Justices of the Peace at their said Sessions, or Justice or Justices of Assize and General Goal-Delivery, at their respective Assizes, be committed to the common Goal of such County, City or Town in Execution, there to Remain without Bail or Mainprize until such Account shall be made and Ballance Paid.

No Sum exceeding 20 pound to be raised, except taking or killing Robbers, Tories or Rapparees:

IV. And be it Enacted by the Authority aforesaid, That no Sum or Sums of Money shall be Raised at any Quarter-Sessions in this Kingdom, for any Publick Work, or on any Account whatsoever (except for taking, convicting or killing Robbers, Tories or Rapparees, pursuant to the Acts made in this Kingdom, or for Repairing or Supporting Bridges already built and erected) exceeding the Sum of Twenty Pounds in the whole, at one such General Quarter-Sessions of the Peace.

Extend not to the County of the City or County of *Dublin*.

V. Provided always, That nothing herein contained shall extend or be Construed to Extend to the County of the City of Dublin, or to the County of Dublin; or to Hinder or Restrain the Raising of Money by the Grand-Juries of the said County of the City, or at the said County, in such Manner as the same may be Raised at the Assizes in other Counties in this Kingdom.

VI. And whereas a good Law in Force in this Kingdom for mending of the High-Ways by the Six Days Labour, is for the most part ineffectual by Reason the Penalty for Neglecting the same, which is very small, cannot be imposed but after Conviction upon Presentment or Indictment; which being so very Chargeable, such Offenders do for the most Part Escape Prosecution, and the Publick High-ways Continue Neglected: Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful for any two Justices of the Peace of every County in this Kingdom, Living in the same Barony or the Adjacent Barony where the Offence is committed, to Hear and Determine summarily the Offences against the said Law; and that the said Justices, by Warrant under their Hands and Seals, shall and may Levy the Penalties in the said Law Imposed by Distress and Sale of the Goods of such Offenders: The said Penalties to be Applied to the Repair of the said High-ways, and the Overplus to be Restored to the Owner; and such Justices are to Account for what they shall so Levy at the next Assizes to be Held for that County.

Chusing Overseers of the High-ways to be chosen.

VII. And whereas the Chusing of the Overseers in the said Recited Act Required, is often Neglected by several Parishes, to the Damage of the High-ways in such Parishes for such Year: Be it therefore Enacted, That in Case any Parish do Neglect the Chusing and Appointing such Overseers as by the said Law they are Directed to do, every such Parish shall and

and may be Proſecuted by Preſentment at the next following Seſſions for ſuch Neglect; and that at the ſaid Seſſions ſuch Overſeers may be Appointed for the ſaid Year as by the ſaid Pariſh ought to have been Appointed, who ſhall have the ſame Power, as if they had been choſen purſuant to the former Act.

VIII. Provided nevertheleſs, That no Preſentment in the Queen's-Bench for Raiſing of Money ſhall be confirmed until the Sixth Day of the Term next following ſuch Preſentment, and ſhall be Poſted up in the ſaid Court, the firſt five Days of the ſaid following Term, to the End that all Perſons Concerned may have Notice thereof, and Object againſt or Traverſe the ſame as they ſhall think convenient.

No Preſentment for raiſing Money be confirmed till the 6th day of the Term following, *&c.*

Made perpetual *6. Ann chap.* 12.

CHAP. VII.

An Act for Leſſening the Duty of Rape-ſeed to be Exported.

WHEREAS it is found by Experience that the planting of Rape-ſeed contributes very much to the Improvement of the unprofitable and boggy parts of this Kingdom; and that the great Duty laid on Rape-Seed Exported is a great Diſcouragement to the Planting or Sowing the ſame: For Remedy thereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the First Day of June in the Year of our Lord God One thouſand ſeven hundred and five, there ſhall be paid to Her Majeſty, Her Heirs and Succeſſors, for Rape-ſeed to be exported, the Duties following, and no other (that is to ſay;) For every Quarter of Rape-Seed, containing Eight Buſhels in the Quarter, to be exported out of this Kingdom from and after the ſaid First Day of June in the Year of our Lord One thouſand ſeven hundred and five, the Sum of Six Pence for Cuſtom, and no more; And ſo proportionably for a greater or leſſer Quantity.

Only Six pence to be paid for Cuſtom of every Quarter of Rape-Seed, *&c.*

II. And be it further Enacted, that no more Duty be taken for any Rape-Oyl made in this Kingdom, which ſhall after the ſaid First Day of June be exported out of this Kingdom, than Four Shillings per Tun; and ſo pro Rata.

Only 4s. *per* Tun for Rape Oyl made in this Kingdom Exported.

III. And be it further Enacted, That all and ſingular the Duties and Sums by this Act directed to be paid and taken, ſhall be paid, collected, levied and received by the ſame Perſons, and by ſuch ways and means and in the ſame manner, and under ſuch Penalties, Proviſoes, Reſtrictions and Regulations as in and by one Act made in the Fourteenth and Fifteenth Years of His late Majeſty King Charles the Second, Intituled, An Act for ſettling the Subſidy of Poundage, and granting a Subſidy of Tunnage and other Sums of Money unto His Royal Majeſty, His Heirs and Succeſſors; the ſame to be paid upon Merchandizes imported and exported into or out of this Kingdom, according to a Book of Rates hereunto annexed, are directed and appointed for the paying, collecting, levying and receiving the Duties ſettled and granted by the ſaid Act.

The Duties by this Act directed to be paid as by a *Stat.* 14th. *chap.* 15th. *Charles* 2d.

IV. Provided always, that this Act shall continue and remain in force for three Years to Commence and be computed from the said First Day of June, One thousand seven hundred and five, and until the End of the next Session of Parliament next after the Expiration of the said three Years, and no longer.

CHAP. VIII.

An Act to Regulate the Taking and Exacting Tolls throughout this Kingdom: And to Prevent Ingrossing Coals in the City of *Dublin*.

WHEREAS the erecting and receiving Toll for any sort of Goods or Cattle driven or carried through any City, Corporation, Market Town, or other place within this Realm, where such City Corporate or Market-Town at their own Costs and Charges do not keep up and repair some publick Bridge or Bridges over which such Goods or Cattle shall be driven or carried, is greatly prejudicial to the Subjects of this Realm, and a Discouragement to Trade in General: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty Fourth Day of June, in the Year of our Lord One thousand seven hundred and five, no Toll shall be demanded or received by any Body Politick or Corporate, or other Person or Persons, for any Cattle, Goods or Merchandizes whatsoever that shall be driven or carried into or through any City, Borough, Market Town or other place where the same shall not be sold, consumed or slaughtered.

II. Provided always, That where any Person or Persons, or Bodies Politick, heretofore lawfully could demand or take any Toll for any Cattle or other Goods driven or carried over any Bridge or Bridges for or in respect of such Person or Persons, or Body Politick, being obliged at his or their own Costs and Charges and not at the Costs and Charges of any County, County of a City, or County of a Town, to keep such Bridge or Bridges in Repair; that in such case such Person or Persons, or Body Politick, may receive and take such reasonable Toll for such Cattle or Goods driven or carried over such Bridges as he or they might have done by Law before the passing of this Act, and not otherwise.

III. And be it further Enacted by the Authority aforesaid, That in all cases where any Cattle shall remain unsold at any Fair or Market, that it shall be lawful for the Owners or Drivers thereof to carry away such Cattle as shall remain unsold, without paying any Toll whatsoever for the same.

IV. And be it further Enacted by the Authority aforesaid, That in case any Body Politick or Corporate, or other Person or Persons whatsoever, shall presume to take, demand or collect any Toll contrary to this Act; that every such Offender shall forfeit for the first Offence the Sum of Ten Shillings, to be demanded before a Justice of the Peace within Six Days after such

such Offence committed; and for the second and every other Offence after Conviction, the Sum of Five Pounds, to be demanded also within the time aforesaid; one Moiety thereof to the Party injured, and the other Moiety to the Use of the Poor of the Parish wherein such Offence shall be committed; to be recovered by Distress and Sale of the Offenders Goods, on Conviction before any one or more Justice of the Peace of the County wherein such Offence shall be committed, by Confession of the Party offending, or by Oath of two credible Witnesses to be taken before such Justice of the Peace; who is hereby impowered and required to administer such Oath, and to hear and determine such Complaints: And in case any Justice of the Peace to whom such Complaints shall be made, as aforesaid, shall refuse or wilfully neglect to put this Act in Execution, according to the true intent and meaning thereof; every such Justice of the Peace shall for every such Neglect or Refusal forfeit the Sum of Twenty Pounds; the one Moiety thereof to be to Her Majesty, Her Heirs and Successors, and the other Moiety to the Party grieved; to be recovered by Bill, Plaint or Information in any of Her Majesty's Courts of Record; in which no Essoin, Privilege or Protection, nor any more than one Imparlance shall be allowed.

V. And for preventing all Frauds and Deceits that may be committed by such Persons who shall drive or carry away Cattle, Goods or Merchandize into any City, Borough or Town Corporate; and shall there refuse to pay the accustomed Toll under pretence that such Cattle, Goods or Merchandizes are only to be driven through such City, Borough or Town Corporate; and shall after sell or dispose of all or any part of such Cattle, Goods or Merchandizes in such City, Borough or Town Corporate: Be it Enacted by the Authority aforesaid, That every such Person or Persons who shall offend therein, shall for the first Offence forfeit Ten Shillings, being duly convicted thereof before any one Justice of the Peace or Chief Magistrate of such City, Town or Borough wherein such Offence shall be committed; and for every second and other Offence that shall be committed after such Conviction, as aforesaid, the Party so offending shall forfeit the Sum of Five Pounds, to be recovered and levied as aforesaid.

VI. And whereas the Prices of Coals have hitherto been unreasonably enhanced, not only by a fraudulent Practice used by the Owners of Gabbarts and Lighters, who by Combination with the Masters of Coal Ships keep and detain great Quantities of Coals in such Gabbarts and Lighters till the Prices of such Coals are advanced; but also by several Persons buying up and engrossing great Quantities of Coals, and afterwards selling the same at excessive Rates, to the great prejudice of the Poor in the said City: For Remedy whereof, and for the better preventing the same or the like evil Practices for the future, Be it Enacted by the Authority aforesaid, That no Owner or Keeper of any Gabbart or Lighter within the Port of Dublin, shall keep on board his or their Gabbarts or Lighters any Coals for any longer time than Eight Days at farthest: And that every such Owner or Master of such Gabbarts or Lighters shall Hire out the same by the Day, and not by the Month, or in any other manner than as aforesaid, under the Penalty of forfeiting for every such Offence the Sum of Forty Shillings, to be recovered before the Lord Mayor of the City of Dublin for the time being, on Conviction

of the Party offending by the Oath of one or more credible Witneſſes; one Moiety thereof to the Informer, the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall be committed; the ſame to be levied by Sale and Diſtreſs of the Offenders Goods, by the Warrant of the Lord Mayor of the ſaid City for the time being.

VII. And for the more effectual ſuppreſſing the fraudulent Practices aforeſaid: Be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Lord Mayor of the ſaid City to cauſe all or any of the Gabbarts that ſhall be laden with Coals, to be opened and brought up to the publick Key; there to be ſold at the faireſt Price that can be had for ſuch Coals.

VIII. And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Lord Mayor, Recorder, and Six Senior Aldermen of the City of Dublin, and the Miniſter and Church-Wardens of the Pariſh where the ſaid Coals are, or any four of them, whereof the Lord Mayor, Recorder or one of the ſaid Aldermen to be one, at any time of the Day as they ſhall think convenient, to enter and go into the Cellar, Store-Houſes, Yards or other places where any Perſon or Perſons have bought or laid up, or ſhall at any time hereafter buy or lay up any Quantities of Coals, in order to be put to Sale by Retail or otherwiſe, and to view the ſame; and to order and direct the ſame to be expoſed to Sale at ſuch Rates and Prices as they or the major part of them ſhall think fit and convenient.

IX. And for the more effectual Execution thereof, Be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall refuſe Entrance, or not obey the Orders and Directions of the ſaid Lord Mayor and Recorder, and Aldermen, Miniſter and Church-Wardens, or any ſuch four of them, in and about the Premiſſes, as aforeſaid; ſuch Perſon or Perſons ſhall forfeit for every ſuch Offence the Sum of Five Pounds; the one Moiety to the Poor of the Pariſh where the Offence ſhall be committed, the other Moiety to the Proſecutor; to be recovered before the ſaid Lord Mayor, Recorder or any two Juſtices of the Peace of the ſaid City, in the preſence of the Party, or in his abſence, he being firſt duly ſummoned to appear: And in caſe any Perſon or Perſons ſhall refuſe to ſell ſuch Coals at the Rates thereon ſet by the Lord Mayor, Recorder and Juſtices of the Peace, or the major part of them; then ſuch Coals ſhall be ſold at the ſaid Rates by ſuch Perſon and Perſons as the Lord Mayor, Recorder and Juſtices, or the major part of them, ſhall appoint; the Money to be paid to the Owner of ſuch Coals, or in his abſence to thoſe impowered by him: Which Sale ſhall be good and effectual in the Law to all intents and purpoſes whatſoever.

X. Provided nevertheleſs, That if any Perſon or Perſons ſhall think him or themſelves aggrieved by the Price of Coals to be ſet as aforeſaid; he or they may appeal to the Chief Governor or Governors and Council of this Kingdom for the time being, who are hereby impowered fully and effectually to redreſs the ſame as they ſhall think fit: This Act to continue in force for Five Years, and from thence to the end of the then next Seſſion of Parliament and no longer.

CHAP.

CHAP. IX.

An Act for Explaining and putting in Execution an Act for planting and preſerving Timber-Trees and Woods: and for Explaining and putting in Execution an Act to avoid and prevent divers Miſdemeanors in idle and lewd Perſons in Barking of Trees.

WHEREAS by an Act of Parliament paſſed in this Kingdom in the Tenth Year of the Reign of our late Sovereign Lord King William the Third of Glorious Memory, Intituled, An Act for planting and preſerving Timber-Trees and Woods: It is Enacted, That all and every Perſon and Perſons being a Reſident or Reſidents within this Kingdom, and who having any Eſtate of Free-Hold or Inheritance therein, kept or employed under his or their Stock to the value of Ten Pounds by the Year; and every Tenant for Years, who has Eleven Years of his or her Term unexpired, and who pays Ten Pounds by the Year or more, ſhall from and after the Five and twentieth of March, One thouſand ſeven hundred and three, Plant Yearly and every Year, during the Term of One and thirty Years, Ten Plants of Four Years growth or more: Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in Parliament Aſſembled, and by Authority of the ſame, That ſuch Perſon or Perſons that hath or holdeth Thirty Acres of Land or more, in manner aforeſaid, ſhall be obliged to Plant Ten Trees of Oak, Firr, Elm, Aſh, Walnut, Poplar, Abele or Alder Yearly of the Age aforeſaid, and no other Perſon or Perſons whatſoever. To Plant according to the Statute paſſed in the 10th of K. *William* 3d. *Cap.* 12.

II. And be it further Enacted by the Authority aforeſaid, That the Planting of the Ten Trees Yearly in manner aforeſaid, or the Planting of any Part, Proportion or number of the Two hundred and ſixty thouſand ſix hundred Trees required to be Yearly Planted by the aforeſaid Act, ſhall not extend to the County of the City of Dublin, or to the City and Suburbs of Londonderry; or to oblige any Perſon or Perſons to Plant any Land Situate within the ſaid Cities, or within One Mile of either of them, or within One Mile of any other City or Town Corporate; any thing in the aforeſaid Act to the contrary in any wiſe notwithſtanding. Not to extend to the City of *Dublin* or the City of *Londonderry*, &c.

III. And whereas by reaſon of the ſhortneſs of the time allowed for the Planting of the ſeveral numbers of Trees required by the ſaid former Act, ſeveral Penalties and Forfeitures are already incurred: Be it therefore further Enacted by the Authority aforeſaid, That all Penalties and Forfeitures already incurred by any Perſon or Perſons, Bodies Politick and Corporate, for not planting any ſort, number or quantity of Trees required by the aforeſaid Act, be remitted and by vertue of this preſent Act are remitted and diſcharged.

IV. And be it further Enacted, That every Perſon or Perſons that are obliged by the aforeſaid Act to plant any number or quantity of Trees which they have not already planted, and Further time given for thoſe that incurred Penal-

ties by the former Act.

and are not exempted from planting by this present Act, shall have further time till the Five and twentieth Day of March, One thousand seven hundred and eight, for the planting the same; within which time they shall plant the same on pain to forfeit as by the said former Act they were to forfeit.

Trees to be planted to be of Oak, Elm, &c.

V. And whereas by the aforesaid Act the Two hundred and fifty thousand six hundred Trees to be Yearly planted in the several Counties of this Kingdom, are to be Oak, Elm or Firr: Be it Enacted by the Authority aforesaid, That they may be Oak, Elm, Firr or Ash; any thing in the aforesaid Act to the contrary in any wise notwithstanding.

Those that have Land in several Parishes may plant all the Trees in any one Parish, having a Certificate Filed with the Clerk of the Peace, &c.

VI. And be it further Enacted by the Authority aforesaid, That any Person or Persons that hath Land in several Parishes in any County in this Kingdom, may at his or their Discretion plant all the Trees he or they are obliged to plant by the aforesaid Act in any one Parish in the County: And on Certificate filed with the Clerk of the Peace, that he or they have planted the full number of Trees that he or they were obliged to plant within the said County; he or they shall not be liable to any Penalty or Forfeiture for not planting in the several Parishes according to the Return made by the Minister and Church-Wardens in the respective Parishes; any thing in the aforesaid Act to the contrary in any wise notwithstanding: And that every Person or Persons that shall neglect to plant the full number of Trees that he or they are obliged to plant by the aforesaid Act (except before excepted) at or before the Five and Twentieth Day of March, One thousand seven hundred and eight, shall forfeit and pay Two Pence per Tree, and no more, for every Tree not planted as aforesaid; to be levied as by the aforesaid Act it is appointed; any thing in the said Act to the contrary in any wise notwithstanding.

Where Lands are not fit to nourish Trees on Certificate they are exempted.

VII. And be it further Enacted by the Authority aforesaid, That where Lands are mountainous, and of a nature that will not nourish Trees, or so very near the Sea-side that Trees cannot thrive nor grow; that the Occupiers of such Lands may appeal to the General Quarter-Sessions of the Peace in the respective Counties, and on Proof of the same to the Grand-Jury: And the Grand-Jury presenting that such Lands are not qualified to bear and nourish Trees, the Occupiers or Proprietors of such Lands, by virtue of such Presentment to be entred on Record in the County Book, among the publick Presentments of the County, shall be for ever acquitted and discharged from any Penalty or Forfeiture for not planting the number of Trees charged upon such Lands by the Minister and Church-Wardens or Vestry of the Parish wherein such Lands do lie; any thing in the aforesaid Act to the contrary in any wise notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons in the actual Possession and Occupation of the several Lands in this Kingdom; whatsoever Estate such Person shall have in such Lands, shall be obliged and liable to the Planting of such proportion of the said Two hundred and fifty thousand six hundred Trees, by the former Act required to be planted Yearly in such manner and according to such applotment as hath already been or hereafter shall be made upon account of the said former or this present Act: And that no Process shall issue against any Person or Persons whatsoever for the levying of any Penalties to be incurred by virtue of the said former Act, or which are here-

No Process to be Levied against any Person what-

herein before mentioned, but against such Persons only as the Justices of the Peace in their General Quarter Sessions, shall in open Court order Process against. soever, for Levying the Penalties, &c.

IX. And whereas great quantities of young Trees are daily destroyed by the making of Gadds and Wyths, and that it will very much conduce to the Incouragement of the Iron and Hempen Manufactures that Gadds and Wyths be no more used in this Kingdom: Be it therefore further Enacted by the Authority aforesaid, That from and after the First Day of November, One thousand seven hundred and six, no Person or Persons shall make or use in Plowing, drawing of Timber, or other Work whatsoever, or in Wattling the Walls of Houses or Cabbins, or Out-buildings, any kind of Gadd or Gadds, Wyth or Wyths, of Oak, Ash, Birch, Hazel, or other Tree whatsoever; and that any Person that shall Offend herein, and shall be thereof convicted at the Assizes or Quarter-Sessions held for that County, shall forfeit a Sum not exceeding Twenty Shillings, to be levied by Warrant from the respective Courts where the Matter shall be tried or determined; the one Moiety whereof to be to the Informer, and the other Moiety to the Poor of the Parish where the Offence is committed.

X. And be it further Enacted by the Authority aforesaid, That the aforesaid Act for planting and preserving Timber-Trees and Woods, shall in all points be and remain in full force, except in such cases where it is otherwise appointed by this Act. The aforesaid Act to be in force except where this Act orders the contrary.

XI. And for the further and better Explanation and Execution of one Act made in the Tenth Year of the Reign of His late Majesty King Charles the First, Intituled, An Act to avoid and prevent divers Misdemeanors in idle and lewd Persons, in barking of Trees, &c. Be it Enacted and Declared by the Authority aforesaid, That if any Person or Persons unlawfully, and without consent of the Owner or Owners, Possessor or Possessors, shall from and after the First Day of August, One thousand seven hundred and Five, take, cut or spoil any kind of Wood or Under-Wood, Poles or young Trees, Clap boards, Barrel-staves, Shingles, Gadds, Wyths, Wattles Willows; or shall dig or pull up any Fruit-Trees or other Trees, or break or cut any Hedge, Pales, Rails or Fence; every such Person, being Lawfully thereof Convicted according to the Directions of the said former Act, shall, over and above the Satisfaction to be made to the Party Grieved, pay to the Poor of the Parish where such Offence shall be committed, such Sum not exceeding Ten Shillings, as such Justice of the Peace or Chief Magistrate shall Judge meet; to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of such Chief Magistrate or Justice of the Peace within the Limits of their respective Jurisdictions.

XII. Provided always, That where the Satisfaction to be made to such Party Grieved shall in the Judgment of such Justice of the Peace or other chief Magistrate be judged to Amount to more than the Sum of Ten Shillings; every such Justice of the Peace and chief Magistrate shall Bind such Offender to the next Quarter-Sessions of the Peace to be Held for such County, City, Town or Place respectively; who are hereby Impowered to make such Order for Recompence and Satisfaction of such Party Grieved, and Pay-

ment of such Sum to the Poor of the Parish, as aforesaid; and for levying them by Distress and Sale of the Offenders Goods, as they in their Discretions shall think meet: And in Case such Justice of the Peace or chief Magistrate shall find that such Offender is Unable to make Satisfaction, and Pay such Sum to the Poor of the Parish, as aforesaid, or the Offender shall not Pay the same; then every such Justice and chief Magistrate respectively, shall for the First Offence Commit such Offender to the House of Correction for any Time not exceeding One Month, or shall Order such Offender to be Publickly Whipt by the Constable or other Officer at the next Market-Town or Place, on the next Market Day, as to the Discretion of such Justice of the Peace or Chief Magistrate shall respectively Seem most convenient: And if such Person shall again Offend in any of the Premisses, being Lawfully convicted, as aforesaid, and not making Satisfaction and Payment, as aforesaid, such Person shall be Sent to the House of Correction and be there Kept to hard Labour for the Space of Three Months, and also Publickly Whipt, as aforesaid: And every such Person Offending a third Time in the Premisses, and being thereof Convicted, and not Making Payment and Satisfaction, as aforesaid; shall be Deemed an Incorrigible Rogue, and shall be Sent to the House of Correction or Work-house, and there Detained at hard Labour for the Space of Two Years.

The Magistrate to make Search.

XIII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for any Constable, Officer or other Person, by Warrant of any one Justice of the Peace or Chief Magistrate of any City, Town or Place within the Limits of their respective Jurisdictions, to make Search in all Suspected Houses and Places for any Wood, Under-Wood, Poles, Trees, Clap-Boards, Barrel-Staves, Pales, Rails, Stiles, Posts, Gates, or for any Gadds, Wyths, Wattles, Willows, Hedge-Wood, Bark, Rind or Coat of any Tree, unlawfully come by; or for any Wool, Thread, Yarn, or other Matter Dyed or Coloured with any Bark, Rind or Coat of any Tree unlawfully Barked, as aforesaid: And if such Person shall find any of the Premisses in the Possession of any Person whom he shall Suspect to have been Guilty of the Offences aforesaid, or any of them; he shall Bring such Suspected Persons before any such Justice of the Peace or Chief Magistrate, and such Suspected Person shall make Proof before such Justice of the Peace or Chief Magistrate, to his Satisfaction, that such Trees, Timber, Timber-Wares, Wood and Under-Wood, and the Bark with which such Wool, Thread or Yarn was respectively Coloured, were fairly and honestly bought by such Suspected Person, or Given to him; or in Default thereof, such Suspected Person shall be Judged and Deemed, and shall Stand Convicted of the Breach of this Act; and shall be Subject to the several Penalties above Inflicted for the first, second and third Offences before mentioned, in Manner and Form herein Limited and Expressed.

XIV. And be it further Enacted by the Authority aforesaid, That if it shall Appear upon Oath to any one Justice of the Peace or Chief Magistrate, that any Person or Persons have or hath Bought or Received any such Trees, Timber, Timber-Ware, Wood, Under-Wood, Hedge-Wood, Bark, Rind or Coat of Trees, from any Person or Persons whom the

the Perſon ſo Buying or Receiving the ſame had juſt Cauſe to Suſpect to have ſtolen or unlawfully come by the ſame; it ſhall and may be Lawful to and for ſuch Juſtice of the Peace or Chief Magiſtrate to Award the Party who Bought the ſame to Pay the Treble Value thereof to the Perſon or Perſons from whom the ſame was or were ſtolen or unlawfully Taken, ſo as ſuch Treble Value doth not exceed the Sum of thirty Shillings; and in Default of Payment, to Levy the ſame by Diſtreſs and Sale of the Goods of ſuch Perſon, by Warrant under the Hand of ſuch Juſtice of the Peace or Chief Magiſtrate; and if ſuch Treble Damages ſhall exceed the Sum of Thirty Shillings, then ſuch Juſtice of the Peace or Chief Magiſtrate ſhall bind over ſuch Perſon to the next General Quarter-Seſſions of the Peace: And the Juſtices of the Peace at ſuch General Quarter-Seſſions ſhall have Power and Authority to Aſſeſs and Aſcertain ſuch Treble Value, and to make ſuch Order for the levying thereof by Diſtreſs and Sale of ſuch Offenders Goods, as to them ſhall Seem meet.

CHAP. X.

An Act to Prevent Fees being Taken in certain Caſes.

No Fee or Sum of Money to be taken where the Bill is found *Ignoramus*.

WHEREAS divers of Her Majeſty's Subjects are frequently Vexed and Oppreſſed by Rich, Powerful and Malicious Perſons, who to compaſs their own private Ends and Deſigns, and more for the Sake of Revenge than Juſtice, do uſually prefer Bills of Indictment againſt poor and innocent Perſons; and although ſuch Proſecutions are Malicious and Groundleſs, and ſuch Bills of Indictment Returned Ignoramus by the reſpective Grand-Juries; yet nevertheleſs great Fees have been and are uſually Taken from the Perſons indicted, to the utter Ruin of ſome of them, and the Impoveriſhment of others: For Remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and five, no Fee or Fees, Sum or Sums of Money, ſhall be Demanded or Received from any Perſon or Perſons againſt whom any Bill of Indictment ſhall be preferred, and returned Ignoramus by the Grand-Jury, for Drawing or Ingroſſing of ſuch Bill of Indictment, or for the Juries Verdict of Ignoramus thereon; and if any Sheriff, Sub-Sheriff, Clerk of the Crown or Peace, Judges Clerk, or any other Perſon whatſoever, ſhall after the Firſt Day of June Demand, Receive or Take from any Perſon againſt whom any Bill or Bills of Indictment ſhall be preferred, on which an Ignoramus ſhall be found, or from any other on his or her behalf, any Sum or Sums of Money, or other Reward, for the Drawing or Ingroſſing ſuch Indictment, or for ſuch Verdict of Ignoramus; every ſuch Perſon ſo Offending, ſhall for every ſuch Offence Forfeit the Sum of Twenty Pounds; the one Moiety thereof to be to our Sovereign Lady the

If any Fees taken, *&c.* to forfeit 20 *l.*

Queen's Majeſty, Her Heirs and Succeſſors, and the other Moiety to him or them that ſhall or will Sue for the ſame in any of Her Majeſty's Four Courts in Dublin, or other of Her Majeſty's Courts of Record within their reſpective Limits, by Bill, Plaint or Information; in which no Eſſoign, Wager of Law or Protection, or any more than one Imparlance ſhall be Allowed.

A proviſo on account of Treaſon, &c.

II. Provided nevertheleſs, That nothing herein contained ſhall extend to any Indictments of or for any Treaſon, Miſpriſion of Treaſon, Felony or Premunire.

CHAP. XI.

An Act againſt Horſe-Stealing: And to prevent the buying and ſelling of ſtolen Horſes: And for puniſhing all Acceſſaries to Felons.

An open place to be provided by the Keeper or Proprietor, &c.

FOR preventing Horſe-ſtealing, which is now grown ſo common as neither in Paſtures or Cloſures, nor hardly in Stables, the ſame are ſafe from ſtealing; which is occaſioned by the ready buying of the ſame by ſeveral Perſons in open Fairs or Markets far diſtant from the Owner, and with ſuch ſpeed as the Owner cannot by purſuit poſſibly help the ſame: For Remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That the Proprietor, Farmer or chief Keeper of every Fair and Market Overt within this Realm, ſhall before the Twenty fifth Day of December, One thouſand ſeven hundred and five, and ſo yearly, appoint and limit out a particular and certain open place within the Town, Place, Field or Circuit where Horſes, Mares, Geldings, Colts and Filleys have been or ſhall be uſed to be ſold in any Fair or Market Overt; in which ſaid particular and certain open place aforeſaid there ſhall be by the Proprietor, Farmer or Keeper of the ſaid Fair or Market, put in and appointed one ſufficient Perſon or Perſons to take Toll, and keep the ſame place from Ten of the Clock before Noon until Sun-ſet every Day of the aforeſaid Fair and Market; to enter the Sale, Gift or Exchange of every Horſe, Mare, Gelding, Colt or Filley ſold, exchanged or paſt away in every of the ſaid Fairs or Markets, upon pain to loſe and forfeit for every Default the Sum of Twenty Shillings: And that on the Bargain, Exchange, Gift, Contract or putting away of every ſuch Horſe, Mare, Gelding, Colt or Filley ſo ſold, exchanged or put away in any Fair or Market, as aforeſaid, within this Realm; all the Parties making the Bargain, Exchange, Gift, Contract or putting away of every ſuch Horſe, Mare, Gelding, Colt or Filley, ſhall be preſent; and alſo the ſame, Horſe, Mare, Gelding, Colt or Filley ſo Sold, Exchanged, Given or Put away, ſhall be produced before ſuch Perſon ſo Deputed and Appointed as aforeſaid; and when they are all preſent, and not before, ſuch Book-keeper, Toll-keeper, or other Perſon, ſhall Write or cauſe to be Written in a Book to

The Fair or Market to be kept from 10 in the Morning till Sunſet.

A Book to be kept, &c.

to be kept for that purpose, the Names, Sir-Names and Dwelling Places of all the said Parties; and the Colour, with one special Mark at least, of every such Horse, Mare, Gelding, Colt or Filley, on pain to Forfeit at and for every Default contrary to the Tenor hereof, Twenty Shillings: And that the said Person or Persons so Deputed or appointed to be Keeper of the said Book, shall within one Day next after every such Fair or Market, bring and deliver his said Book to the Proprietor, Farmer or chief Keeper of the said Fair or Market; who shall then cause a Note to be made of the true number of all Horses, Mares, Geldings, Colts and Filleys sold, exchanged, given or put away at the said Market or Fair; and shall there subscribe his Name or set his Mark thereunto, on pain on every Default therein to forfeit Twenty Shillings.

If Stolen and Sold, not to alter the property.

II. And be it further Enacted by the Authority aforesaid, That the Sale, Gift, Exchange or putting away after the Twenty fifth Day of December, One thousand seven hundred and five, in any Fair or Market Overt, of any Horse, Mare, Gelding, Colt or Filley, that is or shall be stolen or Feloniously taken away from any Person or Persons, shall not alter, take away or change the property of any Person or Persons to or in any such Horse, Mare, Gelding, Colt or Filley, unless the said Horse, Mare, Gelding, Colt or Filley shall be in the time of the said Fair or Market wherein the same shall be so sold, given, exchanged or put away, openly ridden, led, walked, driven or kept standing by the space of One Hour together, at the least, betwixt Ten of the Clock in the Morning and the Sun-setting, in the open Place of the Fair or Market wherein Horses are commonly used to be sold; and not within any House, Yard, Back-side, or other private or secret Place; and unless all the Parties making the Contract, Bargain, Gift or Exchange in the said Fair or Market shall also come together before such Book-keeper, and also bring the Horse, Mare, Gelding, Colt or Filley so sold, exchanged, given or put away, at the same time before such Book-keeper as aforesaid, to the open Place appointed for the Book-keeper; and there enter or cause to be entered their Christian Names, Sir-Names, Dwelling-Places, in manner aforesaid; with the Colour or Colours, and one special Mark at the least, of every the same Horses, Mares, Geldings, Colts or Filleys in the Keeper's Book for that purpose, as is aforesaid: And that no Person after the said Twenty fifth Day of December, One thousand seven hundred and five, shall in any Fair or Market sell, give, exchange or put away any Horse, Mare, Gelding, Colt or Filley, unless the Book-keeper or Chief Officer of the same Market or Fair, shall and will take upon him perfect Knowledge of the Person that so shall sell or offer to sell, give or exchange any Horse, Mare, Gelding, Colt or Filley; and of his true Christian Name, Sir-Name and Place of Dwelling or Residence; and shall enter all the same his knowledge in a Book there kept for Sale of Horses: Or else, that he so selling or offering to sell, give, exchange or put away any Horse, Mare, Gelding, Colt or Filley, shall bring to the Book-keeper one sufficient and credible Person that can, shall and will testify and declare unto and before such Book-keeper, that he knoweth the Party that so selleth, giveth, exchangeth or putteth away such Horse, Mare, Gelding, Colt or Filley; and his true Name,

To be Ridden kept standing Driven or Walking in the publick Street at least one hour.

Sir-Name, Mystery and Dwelling-place; and there enter or cause to be entered in such Book as well the true Christian-Name, Sir-Name, Mystery, and place of Abode, Dwelling or Residence of him who so selleth, giveth, exchangeth or putteth away such Horse, Mare, Gelding, Colt or Filley, as of him who so shall testify or avouch his knowledge of the same Person; and shall also enter the very true Price or Value that he shall have for the same Horse, Mare, Gelding, Colt or Filley: And that no Book-keeper, or other Person employ'd in that Service, shall enter any Sale, Gift, Exchange or putting away of any Horse, Mare, Gelding, Colt or Filley, unless he knoweth the Party who so selleth, giveth, exchangeth or putteth away such Horse, Mare, Gelding, Colt or Filley; and his true Christian-Name, Sir-Name, Mystery or place of his Dwelling or Residence; or the Party who shall so justifie and avouch, as is herein before Enacted: And such Book-keeper or other Person shall give to the Person so Buying or taking by Gift or Exchange such Horse, Mare, Gelding, Colt or Filley, requiring and paying Three Pence for the same, a true and perfect Note in Writing of all the full Contents of the same, Subscribed, with his Hand, upon pain that the Person making any untrue Testimony or Avouchment in the behalf aforesaid, and every Person so selling, giving, exchanging or putting away any Horse, Mare, Gelding, Colt or Filley, without being known to the Book-keeper or other Officer aforesaid, or without bringing such a Voucher or Witness, causing the same to be enter'd as aforesaid; and every Book-keeper, Toll-keeper, or other Officer of Fair or Market, neglecting to do his Duty, shall severally forfeit for every such Default the Sum of Twenty Shillings: And also every Sale, Gift, Exchange or other putting away of any Horse, Mare, Gelding, Colt or Filley in Fair or Market, not used in all points according to the true meaning of this Act, shall be void: The said several Penalties to be recovered before the Justice and Justices of Assize in the several places where they sit; and where they do not sit, then before the Justices of the Peace at their several Quarter-Sessions; and levied by their respective Warrants by Distress on the Goods of every Person making Default, and Sale of such Goods; returning the Overplus (if any) to the Party so distrained.

The Price or Vallue to be entered.

The Name and Place of the Party Vouching to be Registred.

Bargain not made according to this Act, void.

The Justice of the Peace to Hear, &c.

III. And be it further Enacted by the Authority aforesaid, That the Judge and Judges of Assizes in their several and respective Circuits, and the Justices of the Peace of every other Place and County where the Judge or Judges of Assize do not sit, shall respectively have Authority in their respective Assizes and Sessions within the Limits of their Authority and Commission, to inquire, hear and determine all Offences against this Statute.

IV. And be it further Enacted by the Authority aforesaid, That all the Penalties in this Act shall be the One half to the Poor of the Parish where the Offence is Committed, or other publick Work, as the said Judge or Judges of Assize and Justices of the Peace in their said Sessions shall respectively order, and the other Moiety to the Person who will sue for the same before such Judge or Judges of Assize or Justices of the Peace at their Sessions aforesaid.

V. And forasmuch as Buyers and Receivers of stolen Goods and Chattels do oftentimes harbour, convey away and conceal the principal Felons, so that they cannot be convict of such

such principal Felonies, and thereby such Buyers and Receivers, and other Accessaries to such Felonies, have escaped all manner of Punishment; which hath greatly encouraged the buying and receiving such stolen Goods and Chattles: For Remedy whereof, Be it therefore Enacted by the Authority aforesaid, That from and after the said Twenty Fifth Day of December, One thousand seven hundred and five, it shall and may be Lawful to prosecute and punish every such Person and Persons buying or receiving any stolen Goods or Chattels, knowing the same to be stolen; or that shall otherwise be Accessary to such Felony before or after the Fact, as for a Misdemeanor; to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall Exempt the Offender from being punished as Accessary if the principal shall be after convicted.

Receivers of Stolen Goods liable to be prosecuted.

VI. And be it further Enacted by the Authority aforesaid, That if any Harbourer of any Felon shall discover and prosecute any Two or more such Harbourers, so as they shall be Taken, and shall be convict of Harbouring, as aforesaid, at the Prosecution of such Discoverer; that then such Harbourer so discovering and prosecuting, shall by virtue of this Act be pardoned and acquitted for his former Crimes of Harbouring only; Any thing in this Act to the contrary notwithstanding: This Act to continue in Force for Five Years; and from thence to the End of the then next Session of Parliament, and no longer.

Any Harbourer of Felons if he discover and prosecute, two or more pardoned.

This Act made perpetual by Stat. 6. *Ann.* Chap. 12.

CHAP XII.

An Act to Repeal the Statute made in the Fifth of *Henry* the Fourth, against multiplying Gold and Silver: And to prevent Disputes and Controversies concerning Royal Mines.

WHEREAS by a Statute Made and Enacted in the Parliament held in England in the First Year of the Reign of King Henry the Fourth, late King of England, it was amongst other things Enacted in these Words, or to this Effect, namely: "That none from henceforth should use "to multiply Gold or Silver, or use the Crafts of Multiplication: And if any of the same do, they shall incur the Penalty of Felony. Which Statute by an Act made in the Parliament held in this Realm in the Tenth Year of the Reign of the late King Henry the Seventh, was Enacted to be used and executed in this Land of Ireland.

The Act of 1 *Hen.* 4th. Cap. 4 and 10 *Hen.* 7 Cap. 22. made in *England* Rep.

II. And whereas since the making the said Statute, divers Persons have by their Study, Industry and Learning arrived to great Skill and Perfection in the Art of Melting and Refining of Metals, and otherwise Improving them and their Ores, which very much abound within this Realm, and Extracting Gold and Silver out of the same, but dare not Exercise their Skill within this Realm, for Fear of falling under the Penalty of the said Statute; but Exercise the said Art in Foreign Parts, to the great Loss and Detriment of this Realm: Be it Enacted by the Queen's most Excel-

lent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from henceforth the aforesaid Branch, Article or Sentence contained in the said Act made in England, or any Word, Matter and Thing contained in the said Branch or Sentence, shall not be of Force, or Used or Executed within this Realm of Ireland; Any thing in the said Acts, or either of them, to the contrary in any wise whatsoever notwithstanding.

No Mines of Copper, Tin, Iron or Lead, to be taken as Royal &c.

III. Provided also, and be it further Enacted by the Authority aforesaid, That no Mines of Copper, Tin, Iron or Lead, shall hereafter be adjudged, reputed or taken to be a Royal Mine, although Gold or Silver may be extracted out of the same.

Every Person being a Subject to the Crown of *England*, Bodies Politick or Corporate, may Dig or Work them, &c.

IV. And be it also Enacted by the Authority aforesaid, That all and every Person or Persons, being Subjects of the Crown of England, Bodies Politick or Corporate, that now are or hereafter shall be, the Owner or Owners, Proprietor or Proprietors of any Mine or Mines within the Kingdom of Ireland, wherein any Oze now is or hereafter shall be Discovered, Opened, Found or Wrought, and in which there is Copper, Tin, Iron or Lead, shall and may Hold and Enjoy the same Mine or Mines and Oze, and continue in the Possession thereof; and Dig and Work the said Mine and Mines or Oze, notwithstanding that such Mine or Mines or Oze shall be pretended or claimed to be a Royal Mine or Royal Mines; Any Law, Usage or Custom to the contrary notwithstanding.

The Rates to be paid if Her Majesty or Heirs have a desire to have the Ore.

V. Provided always, And be it Enacted and Declared, That Her Majesty, Her Heirs and Successors, shall and may have the Oze of any such Mine or Mines in any part of the said Kingdom of Ireland, paying to the Proprietors or Owners of the said Mine or Mines wherein such Oze is or shall be found, within Thirty Days after the said Oze is or shall be Raised and Laid upon the Banks of the said Mine or Mines, and before the same be Removed from thence, the Rates following (that is to say;) For all Oze washed, made clean and merchantable, wherein is Copper, at the Rate of Sixteen Pounds per Tun; and for all Oze washed, made clean and merchantable, wherein there is Tin, at the Rate of Forty Shillings per Tun; and for all Oze washed, made clean and merchantable, wherein there is Iron, at the Rate of Forty Shillings per Tun; and for all Oze washed, made clean and merchantable, wherein there is Lead, at the Rate of Nine Pounds per Tun: And in Default of Payment of such respective Sums, as aforesaid, it shall and may be lawful for the Owners and Proprietors of the said Mine or Mines wherein such Oze is or shall be found, to Sell and Dispose of the said Oze to his and their own Use; any Law, Statute or Custom to the contrary notwithstanding.

VI. And whereas His late Majesty King James the Second by Letters Patents bearing Date the Seventeenth Day of January, in the Second Year of His Reign, for the Consideration in the said Letters Patents mentioned, did Demise, Grant, Set and to Farm Let, unto the Right Honourable James Earl of Abbercorne, then James Hamilton of Donaghong in the County of Tyrone, Esquire, all and every the Minerals, Mines, Metals or Ozes holding Gold or Silver, or mired with

with Gold or Silver; and also all other Minerals, Mines, Ores or Metals, to His Majesty, His Heirs and Successors, belonging, as well not holding Gold and Silver as holding Gold and Silver, within the Province of Munster; and also all such Mines, Minerals and Ores within all the Provinces in the Kingdom of Ireland, and all and every part thereof, whether then discovered or opened, or not; and all his Majesty's Smelting-houses, Forges, Cole-yards, Store-houses and other Buildings; and the Scites and Soil of such Houses, Forges, Cole-yards, Store-houses and Buildings in Ireland, several of which are particularly named in the said Letters Patents; TO HAVE AND TO HOLD the same for the term of Sixty one Years, to commence from the Day of the Date of the said Letters Patents; yielding and paying therefore, during the said Term, to His late Majesty, His Heirs and Successors, at the Receipt of His Majesty's Exchequer in Ireland, or to the Vice-Treasurer or Receiver-General of the Rents and Revenues of that Kingdom, the yearly Rent of Ten Pounds Sterling, to be paid at the Feast of the Annunciation of the Blessed Virgin Mary, and Saint Michael the Arch-Angel, by equal Portions: In which Letters Patents are also contained several other Beneficial Grants and Clauses as by the same, Relation being thereunto had, which are duly Inrolled in the Rolls Office of this Kingdom, may fully appear.

The Lord *Abbercorne* to receive an Equivalent for his Grant.

VII. And whereas several Persons have been discouraged from searching and digging for Mines in several parts of this Kingdom, being apprehensive that after much Labour and Expence it might often so fall out that the Mines discovered and opened might prove of that sort and nature to which the Crown or the said Earl of Abbercorne by vertue of the said Letters Patents might have or claim a Right; by means whereof several Mines remain within this Kingdom unopened, to the Publick Prejudice thereof: For the removing therefore of the said Impediments, and to the end the Publick may reap the greater Benefit and Advantage hereby, and that the said James Earl of Abbercorne may have and receive an Equivalent for the said Grant, Be it Enacted by the Authority aforesaid, That the said Letters Patents, and all and every the Grants and Clauses therein contained, shall be and are hereby Revoked, Annulled and made void: And that in lieu thereof, and as an Equivalent for the said Grant, the Sum of Four thousand Pounds Sterling, shall be paid unto the said James Earl of Abbercorne, his Executors, Administrators and Assigns, in full Satisfaction and Discharge of all his Demands or Pretensions to all or any the Mines opened or unopened, discovered or undiscovered within this Realm: And the Treasurer or Vice-Treasurer of this Kingdom for the time being, is hereby Required and Commanded to pay the said Sum of Four thousand Pounds unto the said James Earl of Abbercorne, his Executors, Administrators and Assigns, in the manner following (viz.) Two thousand Pounds, part of the said Four thousand Pounds, on or before the Twenty fifth Day of December, which will be in the Year of our Lord God One thousand seven hundred and five; and the remaining Two thousand Pounds on or before the Twenty fifth Day of December, which will be in the Year of our Lord One thousand seven hundred and six.

VIII. And whereas the said Earl of Abbercorne hath con-

tracted with several Persons for his Interest in several Mines in this Kingdom: pursuant to which Contracts, and by and with the Consent and Licence of the Proprietors of the Soil, several Contractors have laid out great Sums of Money, and have been at considerable Expence already by erecting Smelting-houses, and digging for and opening Mines, which are now at work to the great Benefit of the Kingdom: Be it therefore Enacted by the Authority aforesaid, That nothing in this present Act contained shall extend to avoid the said Leases or Contracts made by the said Earl of Abbercorne to or with any Person or Persons, who by virtue of such Leases or Contracts, and by the Consent and Licence of the Owner of the Soil, have already opened or wrought any Mine or Mines within this Kingdom; but that it shall and may be Lawful to and for such Person or Persons, his and their Executors, Administrators or Assigns, to make his or their Election before the Twenty fifth Day of December, which will be in the Year of our Lord God One thousand seven hundred and five, either to wave and surrender the Benefit of such Leases and Contracts to the Owner or Proprietor of the Soil; or else to insist on the Benefit thereof: And in case such Person or Persons shall fail to make his or their Election within the time aforesaid, or shall Elect to wave and surrender the same, as aforesaid; that then and from thencefoyth, as well the said Leases and Contracts made between such Person and Persons and the said Earl, as all Leases and Contracts made between the Owner and Proprietor of the Soil and the said Earl, shall be null and void; and as well the said Earl of Abbercorne, as the said Person and Persons aforesaid, shall be from thencefoyth discharged from all Covenants, Clauses, Payments and Agreements made concerning the same: But in case the said Person or Persons, his or their Executors, Administrators or Assigns, do or shall within the time aforesaid make his or their Election to insist on the Benefit of such Leases, Contracts or Agreements; then he or they shall from thencefoyth pay or cause to be paid and performed unto the respective Owners and Proprietors of the Soil, all such Sum and Sums of Money and other Considerations, Covenants and Agreements, at such times and in such manner as the same were reserved, and are now payable or to be performed in and by such Leases or Contracts unto the said Earl of Abbercorne: And that the said Owner and Proprietor of the Soil shall have such Remedy for the same, as the said Earl of Abbercorne would have had in case this Act had not been made: And that all such Leases and Contracts as shall not by the last Day of Michaelmas Term, in the Year of our Lord God One thousand seven hundred and five, be produced or proved by Affidavit or otherwise, to the Satisfaction of the Barons of Her Majesty's Court of Exchequer in Ireland, shall be counted null and void to all intents and purposes whatsoever.

To have or sue for all due on or before the first of *November* 1704.

IX. Provided always, That nothing herein contained shall bar the said Earl of Abbercorne, his Executors or Administrators, from demanding, suing for, and recovering all such Rents and Sums of Money which on or before the First Day of November, One thousand seven hundred and Four, were due and payable to him.

All Leases and Contracts made by the Earl of *Abbercorne* where

X. And be it Enacted by the Authority aforesaid, That all Leases, Contracts and Agreements made by the said Earl of Abbercorne, his Agents or Attorneys, of any Mines or Minerals

rals in other Mens Soil, wherein as yet no Mine has been opened in pursuance of such Agreement, shall for ever hereafter be null and void to all intents and purposes: And the said Earl of Abbercorne, his Heirs, Executors and Administrators, shall pay back to all such Persons all Fines and other Considerations by them respectively paid as Fines for obtaining such Lease or Contract; which said Fines shall before the last Day of Michaelmas Term, One thousand seven hundred and five, be made appear to have been so paid for the same, by producing such Contract, or making due Proof thereof by Affidavit, otherwise to the Satisfaction of the Barons of Her Majesty's Court of Exchequer, as aforesaid.

no Mines are opened to be void and null.

CHAP. XIII.

An Act for the Relief of Poor Prisoners for Debt. *Expired.*

CHAP. XIV.

An Act for Regulating the Weights used in this Kingdom: And that Salt and Meal shall be Sold by Weight.

WHEREAS there are great diversities of Weights in this Kingdom, and in many parts thereof no true nor certain Ballance nor Weights are to be had to weigh Merchandizes between Buyer and Seller; whereby great Frauds are used, and great Inconveniences happen to the prejudice of the Trade and Traffique of this Kingdom: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That there shall be one Weight throughout this Kingdom for the weighing of all sorts of Merchandizes between Buyer and Seller; and that the same shall be according to the Pound of Averdupoize Weight, except the weighing of Bread, Gold, Silver, and Druggists and Apothecaries Wares: And that all manner of Merchandizes shall be weighed by Ballance, so that the tongue of the said Ballance be even without bowing to one side or the other, or by putting Hand or Foot, or touch or disorder the same.

To be one Weight throughout this Kingdom between Buyer and Seller, to be according to Averdupoize Pound, &c. except Bread, Gold, Silver, Apothecaries, &c.

II. And to the end there may be one certain Weight to be for ever hereafter used in this Kingdom as aforesaid, Be it Enacted by the Authority aforesaid, That on or before the First Day of August, which shall be in the Year One thousand seven hundred and five, there shall be provided at Her Majesty's Charge a Sett of just and true Weights (that is to say;) One Ounce Weight, one Pound Weight, one Four Pound Weight, one Seven Pound Weight, one Fourteen Pound Weight, one Twenty Eight Pound Weight, and one half

The Standard Weights to be at Her Majesty's Charge, one Pound, half Pound, &c.

half Hundred Weight or Fifty six Pounds: All which Weights are to be Made and Sized according to the true and just Averdupoize Weight, and shall be made of Brass, and shall be marked with the Letters A R. with the Crown over them: And the said Weights so made, assized, adjusted and prepared, shall be lodged in Her Majesty's Exchequer, in the Custody of the Lord Treasurer of this Realm, or of the Vice-Treasurer, his Deputy or Deputies for the time being; there to be and remain as the Standard Weights for this Kingdom of Ireland: That there shall be also provided in every City and Town in this Kingdom that are Counties of themselves, at the Charge of the said Cities and Towns, and also in every County within this Kingdom at the Charge of the said Counties, before the First Day of November, One thousand seven hundred and five, a Set of just and true Weights (that is to say;) One Ounce Weight, one Pound Weight, one Four Pound Weight, one Seven Pound Weight, one Fourteen Pound Weight, one Twenty eight Pound Weight, and one half Hundred Weight of Fifty six Pounds: All which said several Weights shall be made of Brass, and shall be tried, sized and made equal and just with the Weights aforesaid remaining in Her Majesty's Court of Exchequer: And being so tried, sized and made just and equal, shall be sealed by the Officer in whose Custody the said Standard Weights do remain, with the same Seal wherewith the said Standard Weights are sealed: For the sealing and trying each Weight there shall be paid to the said Officer the Sum of One of Penny, and no more: Which said several Weights shall be and remain in the Custody of the Mayor for the time being, in each City and Town that are Counties by themselves, to be the Standard Weights in the said Cities and Towns that are Counties of themselves; by which all the Weights in the said Cities and Towns are to be tried, sized and regulated: And in Counties at large the said Weights are to be and remain in such Town in each County as hereafter named and appointed (that is to say;)

In the Town of Dundalk for the County of Lowth.
In the Town of Trim for the County of Meath.
In the Town of Mullingar for the County of West-Meath.
In the Town of Cavan for the County of Cavan.
In the Town of Ardmagh for the County of Ardmagh.
In the Town of Monaghan for the County of Monaghan.
In the Town of Down-Patrick for the County of Down.
In the Town of Carrickfergus for the County of Antrim.
In the Town of Omagh for the County of Tyrone.
In the City of Londonderry for the City and County of Londonderry.
In the Town of Lifford for the County of Donnegall.
In the Town of Inniskillin for the County of Fermanagh.
In the Town of Carloe for the County of Catherlogh.
In the Town of Ennis for the County of Clare.
In the Town of Cork for the City and County of Cork.
In the City of Dublin for the City and County of Dublin.
In the Town of Gallaway for the County of the Town of Gallaway, and County of Gallaway.
In the Town of Tralee for the County of Kerry.
In the Town of Naas for the County of Kildare.
In the City of Kilkenny for the City and County of Kilkenny.
In the Town of Phillipstown for the Kings-county.

In

In the Town of Karrickdrumroſt for the County of Leitrim.
In the City of Limerick for the City and County of Limerick.
In the Town of Longford for the County of Longford.
In the Town of Ballinrobe for the County of Mayo.
In the Town of Maryborrough for the Queens-county.
In the Town of Roſcommon for the County of Roſcommon.
In the Town of Sligoe for the County of Sligoe.
In the Town of Clonmell for the County of Tipperary.
In the City of Waterford for the City and County of Waterford.
In the Town of Wexford for the County of Wexford.
In the Town of Wicklow for the County of Wicklow.

III. In the Cuſtody of the chief Magiſtrate of the ſaid Towns reſpectively, for the time being, to be the Standard Weights in the ſaid Counties reſpectively, by which all the Weights in the ſaid Counties are to be tried, ſized and regulated.

IV. And be it further Enacted by the Authority aforeſaid, That before the firſt Day of November, One thouſand ſeven hundred and five, there ſhall be appointed in every City, Borough and Market Town within this Kingdom by the chief Magiſtrate of the ſame, except in places where the Toll and Cuſtoms belong to any other Perſon; and in ſuch caſe by the Perſon or Perſons to whom the Toll and Cuſtoms of ſuch City, Borough or Market Town doth belong, one honeſt diſcreet Perſon who ſhall be Weigh-Maſter in the ſaid City, Borough or Market Town; who ſhall be ſworn juſtly, truly and indifferently to weigh all Goods, Wares and Merchandizes as ſhall be brought unto him between Buyer and Seller; For the doing whereof he ſhall and may take and receive for every Draught weighing under a hundred weight a half Penny, and for every Draught weighing One hundred Pounds or upwards one Penny. To be left with the chief Magiſtrate of every City, &c.

V. And be it further Enacted by the Authority aforeſaid, That there ſhall be alſo provided before the Firſt Day of November, One thouſand ſeven hundred and five, at the charge of each City, Borough or Market Town within this Kingdom, or by the Perſon or Perſons to whom the Toll and Cuſtoms of the ſame do belong in manner as aforeſaid, one good, juſt and true Ballance or Iron Beam, with Scales and Weights ſufficient and convenient for the weighing of all manner of Goods, Wares and Merchandizes between Buyer and Seller, or between Party and Party: Which ſaid Beams, Scales and Weights are to be and remain under the care and cuſtody of the Weigh-maſters appointed as aforeſaid, in each City, Borough or Market Town in this Kingdom: And that all ſuch Weights as ſhall be ſo provided and made uſe of as aforeſaid, for Weighing of Goods, Wares and Merchandizes, ſhall be tried, ſized and made juſt and equal with the Braſs Standard Weights aforeſaid, in every ſuch City and Town that are Counties of themſelves, and in every County at large within this Kingdom; and ſhall be ſealed with the Letters A. R. and the Crown, as aforeſaid.

VI. And be it further Enacted by the Authority aforeſaid, That in caſe the Mayor for the time being of any City and Town that is a County of it ſelf within this Kingdom, ſhall neglect to provide a Set of Braſs Standard Weights in The Mayor or chief Magiſtrate of every City or Town, to provide a ſett of Weights, &c.

manner aforesaid, or shall neglect to appoint and swear a Weigh-master in manner aforesaid; or shall neglect to provide a good, just and true Ballance or Beam, with Scales and Weights sufficient and convenient for the weighing of all manner of Goods, Wares and Merchandizes between Buyer and Seller at or before the Days or Times before limited for the doing of the same; that then and in such case every such Mayor for the time being, of such City or Town, being a County of it self, or other Person as aforesaid, shall forfeit for every Month that all or any of the Particulars aforesaid shall be wanting, the Sum of Forty Shillings; the one half to be to the Poor of the Parish of the City or Town where such Forfeiture shall happen, the other half to such Person as shall informe and prosecute for the same in manner as herein after directed: And in case there shall not be a Set of Brass Standard Weights provided in each County at large in this Kingdom, in manner aforesaid, and by the time limited as aforesaid; that the Justices of Assize at every Assizes to be held in this Kingdom, and the Justices of the Peace at their Quarter Sessions, shall inquire thereof; and shall fine the said County in any Sum not exceeding Five Pounds, and estreat the same into Her Majesty's Court of Exchequer; and so continue every Assizes and Sessions until the said Weights shall be provided as aforesaid.

A Weigh-master to be sworn and not to act before.

VII. And that in case the chief Magistrate of any Borough or Market Town in this Kingdom, or the Person or Persons to whom the Toll and Customs of any Market Town, not being a Corporation, doth belong, shall neglect to appoint and swear a Weigh-master, or shall neglect to provide a good, just and true Ballance or Beam, with Scales and Weights necessary and sufficient for the weighing of all Goods, Wares and Merchandizes as aforesaid, for the space of a Month after the Days or Times before limited; that then and in such case every such chief Magistrate of any Borough or Market Town, being a Corporation; or the Person or Persons to whom the Toll or Customs of any Market Town being or not being a Corporation of it self, doth belong, shall forfeit the Sum of Forty Shillings for every Month that all or any of the particulars aforesaid shall be wanting; the one half to be to the Poor of the Parish, and the other half to the Person or Persons that shall informe of and prosecute the same in manner as is hereafter directed: That the Mayor for the time being of every City or Town in this Kingdom, being Counties of themselves, and the chief Magistrate for the time being of every Borough and Market Town, or the Person or Persons that receives the Tolls and Customs of every or any Market Town, as aforesaid, shall on the Death or Removal of any Weigh-master, appoint and swear another in the Place; and shall from time to time for ever hereafter maintain and preserve a common Ballance or Beam, and Weights sufficient and necessary in manner aforesaid, on pain of forfeiting Forty Shillings for every Month all or any of the said Particulars shall be wanting; which Forfeiture shall be disposed in manner as hereafter is directed.

No Weights to be used but such as are Tryed and Sealed.

VIII. And be it further Enacted by the Authority aforesaid, That no Merchants, Weigh-Master, Trader or Dealer whatsoever shall keep or use any manner of Weights for weighing of any manner of Goods, Wares or Merchandizes bought

bought or sold, but such as shall be justly fixed, tried and equal with the Standard Weights aforesaid, and sealed by the proper Officer in whose custody the Standard Weights of each County shall be and remain, on pain of forfeiting Forty Shillings for every such Offence.

Any Dealer may weigh with his own Weights, *&c.*

IX. Provided always, That nothing in this Act contained shall be construed to hinder any Merchant, Trader or Dealer from weighing all such Goods, Wares and Merchandizes as he shall buy or sell with his own Weights, the Ballance being just and true, and the Weights being justly fixed and true and equal with the Standard aforesaid, and sealed with the seal aforesaid, by the proper Officer in whose custody the Standard Weights in each County remain.

Justices of Peace in their Quarter-Sessions to enquire after all offences against this Act.

X. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Assize in their Circuits, and the Justices of the Peace in their Quarter Sessions in this Kingdom, to inquire after all Offences against this Act, and hear and determine the same; and to issue their respective Warrants for levying the Forfeitures and Penalties in this Act mentioned to be disposed of; the one Moiety to the Poor of the Parish, and the other Moiety to such Person as shall inform or prosecute for the same.

The Oath, *&c.* to be taken by the weigh-master before he acts.

XI. Provided always, That no Person or Persons whatsoever shall Act as Weigh-masters, or at any time execute the said Office before he doth take the Oaths, and subscribe the Declaration mentioned in the Act of Parliament made in England in the Third Year of the Reign of His late Majesty King William and the late Queen Mary of Blessed Memory, Intituled, An Act for the abrogating the Oath of Supremacy in *Ireland*, and appointing other Oaths: Which Oaths the respective Magistrates of every City, Borough or Market Town in this Kingdom; or where there is no Magistrate, the next Justice of the Peace is hereby authorized to Administer.

Salt to be Sold by Weight, and no other wise.

XII. And be it further Enacted by the Authority aforesaid, That no Retailer, or other Person or Persons whatsoever, making or dealing in white Salt, or buying white Salt to sell again, shall from and after the First Day of November, in the Year One thousand seven hundred and five, sell or put to Sale, exchange or otherwise dispose of any such Salt to any Person or Persons, or in any County, City or Place whatsoever within this Kingdom, otherwise than by Weight; and not by Measure, or in any other manner.

Salt to weigh Fifty Six pound *per* Bushel.

XIII. And if the Salt so sold be of the Quantity of a Bushel, or more; that then it be at the Rate of Six and fifty Pounds Weight to the Bushel; and so in proportion for a greater Quantity: Also that every Miller, Meal man or other Person whatsoever selling Flower, Meal, Cuttlings, or any other sort of ground Corn by Retail, shall sell the same by Weight, and not by Measure or in any other manner whatsoever.

Flower, Cutlings or any other sort of ground Corn to be sold by Weight.

The Forfeiture for offending, *&c.*

XIV. And that every Person offending therein, shall for every such Offence forfeit any Sum not exceeding Five Shillings, to him or her who shall prosecute for the same, to be recovered by Distress or Sale of the Goods of the Offender, by Warrant of a Justice of the Peace or other chief Magistrate; and for want of Goods sufficient to pay the same, to be set in the Stocks for the space of Two Hours.

XV. And be it further Enacted by the Authority aforesaid,

That the Forfeitures and Offences made and committed against this Act, as to the selling of Salt and Meal, shall be Heard and Determined by any one Justice of the Peace of the said County, or by the chief Magistrate of the Town where such Forfeiture shall be made or Offence committed; who are hereby required to hear, adjudge and determine the same, upon the Confession of the Party accused, or by the Oath or Oaths of one or more credible Witness or Witnesses; and if the Party finds him or her self aggrieved by the Judgment given by such Justice of the Peace or Magistrate, the said Party shall and may appeal to the Justices of the Peace at the next Quarter Sessions, whose Determination therein shall be conclusive.

All Salt imported to pay Duty by Weight, *&c.*

XVI. And be it further Enacted by the Authority aforesaid, That all white Salt imported into this Kingdom for the future shall pay Her Majesty's Duties by Weight, and not by Measure (that is to say;) Fifty six Pounds of white Salt shall be accounted a Bushel; and that the same Duty shall be paid for every Fifty six Pounds weight of white Salt as is now payable for a Bushel: And that Sixty five Pounds of Rock Salt shall be accounted a Bushel; and that the same Duty shall be paid for every Sixty five Pounds of Rock Salt as is now payable for a Bushel of Rock Salt.

This Act made perpetual by *6. Anne Cap.* 12.

XVII. This Act, as to so much thereof as relates to the buying and selling of Salt and Meal by Weight; and as to so much thereof as relates to the making Her Majesty's Duties on white and Rock Salt, payable by Weight; as also that Sixty five Pounds of Rock Salt shall be accounted a Bushel, and Fifty six Pounds of white Salt be esteemed a Bushel; and the Duties to be paid for such respective Weights thereof, as aforesaid, for a Bushel of the said several Salts, to continue until the end of the next Sessions of Parliament, and no longer.

Anno

Anno Regni Sexto Annæ Reginæ.

CHAP. I.

An Act for granting to Her Majeſty an Additional Duty on Beer, Ale, Strong Waters, Tobacco, Callicoes, Linnens, Muſlins, and other Goods and Merchandizes.

CHAP. II.

An Act for the Publick Regiſtring of all Deeds, Conveyances and Wills that ſhall be made of any Honors, Manors, Lands, Tenements or Hereditaments.

FOR Securing Purchaſers preventing Forgeries and Fraudulent Gifts and Conveyances of Lands, Tenements and Hereditaments which have been frequently practiſed in this Kingdom, eſpecially by Papiſts, to the great Prejudice of the Proteſtant Intereſt thereof, and for Settling and Eſtabliſhing a certain Method, with proper Rules and Directions for Regiſtring a Memorial of all Deeds and Conveyances, which from and after the Twenty Fifth Day of March, in the Year of our Lord One thouſand ſeven hundred and eight, ſhall be made and Executed, and of all Wills and Deviſes in Writing made, or to be made, and Publiſhed where the Deviſor or Teſtatrix ſhall dye after the ſaid Twenty fifth Day of March One thouſand ſeven hundred and eight, For or concerning any Honors, Manors, Lands, Tenements or Hereditaments in this Kingdom. We pray that it may be Enacted, And be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That one publick Office for Regiſtring Memorials of Deeds and Conveyances, Wills and Deviſes, ſhall be Eſtabliſhed and kept in the City of Dublin, to be Managed and Executed by a Fit and Able Perſon, or his ſufficient Deputy, ſuch Perſon to be from time to Time Nominated and Appointed by the Queen's Majeſty, Her Heirs and Succeſſors, and to continue in the ſaid Office for ſo long time as he ſhall faithfully and honeſtly Demean himſelf therein.

A Regiſtry Office to be kept in the City of *Dublin*, for Conveyances, Wills, *&c.*

II. And be it further Enacted by the Authority aforeſaid, that upon the Death of any ſuch Regiſter, and until another Perſon be Nominated and Appointed in manner aforeſaid, the Executors or Adminiſtrators of the Regiſter Deceaſed, together with the Sureties for the ſaid Regiſter, or their Executors or Adminiſtrators ſhall Appoint a proper Perſon to

On the Regiſter's Death, and by whom.

Execute the Office of Register; for whose Demeanor in the Execution of the said Office, the Security given for such Register Deceased shall be answerable.

All Memorials and Deeds, &c. may be Enrolled.

III. And be it further Enacted by the Authority aforesaid, That a Memorial of all Deeds and Conveyances which from and after the Twenty fifth Day of March in the Year of our Lord One thousand seven hundred and eight, shall be made and executed, and of all Wills and Devises in Writing made, or to be made, and Published where the Devisor or Testatrix shall dye, after the said Twenty fifth Day of March One thousand seven hundred and eight, for or concerning, and whereby any Honors, Manors, Lands, Tenements or Hereditaments within this Kingdom may be any ways affected, may at the Election of the Party or Parties concerned, be Registred in such Manner as is herein after Directed.

Every Deed and Conveyance, a Memorial thereof being registred shall be effectual according to Priority.

IV. And be it further Enacted by the Authority aforesaid, That every such Deed or Conveyance, a Memorial thereof shall be duly Registred according to the Rules and Directions in this Act prescribed, shall from and after the said twenty fifth Day of March in the Year of our Lord One thousand seven hundred and eight, be deemed and taken as good and effectual both in Law and Equity, according to the Priority of time of Registring such Memorial for and concerning the Honors, Manors, Lands, Tenements and Hereditaments in such a Deed or Conveyance mentioned or contained, according to the Right, Title and Interest of the Person or Persons so Conveying such Honors, Manors, Lands, Tenements and Hereditaments against all and every other Deed, Conveyance or Disposition of the Honors, Manors, Lands, Tenements or Hereditaments, or any part thereof Comprized or Contained in any such Memorial as aforesaid.

V. And be it further Enacted by the Authority aforesaid, That every Deed or Conveyance not Registred, which shall be made and executed from and after the twenty fifth Day of March in the Year of our Lord One thousand seven hundred and eight, of all or any of the Honors, Manors, Lands, Tenements or Hereditaments comprized or contained in such a Deed or Conveyance; a Memorial whereof shall be Registred in pursuance of this Act, shall be deemed and adjudged as Fraudulent and Void, not only against such a Deed or Conveyance Registred as aforesaid, but likewise against all and every Creditor and Creditors by Judgment, Recognizance, Statute Merchant, or of the Staple, Confessed, Acknowledged, or Entred into from and after the Twenty fifth Day of March aforesaid, as for and concerning all or any of the Honors, Manors, Lands, Tenements or Hereditaments contained or expressed in such Memorial Registred as aforesaid.

All Memorials shall be Written in Parchment or Vellum under the Hand of one of the Grantors, &c.

VI. And be it further Enacted by the Authority aforesaid, That all and every Memorial so to be Entred or Registred, shall be Put into Writing in Vellum or Parchment, and Directed to the Register of the said Office; And in Case of Deeds and Conveyances shall be under the Hand and Seal of some or one of the Grantors, or some or one of the Grantees, his, her or their Guardians or Trustees Attested by Two Witnesses, one whereof to be one of the Witnesses to the Execution of such Deed or Conveyance, which Witness shall by Affidavit to be made before the said Register or his Deputy, who is hereby Impowered and Required to Administer

ter such Oath, prove the Signing and Sealing of such Memorial, and the Execution of the Deed or Conveyance mentioned in such Memorial, and the Day and Time of the Delivery of such Memorial, to the Register or his Deputy. And in Case of Wills the Memorial shall be under the Hand and Seal of some or one of the Devisees, his, her, or their Guardians or Trustees, Attested by two Witnesses, one whereof shall by Affidavit to be made before the said Register or his Deputy, prove the Signing and Sealing of such Memorial, which respective Affidavit the said Register or his Deputy is hereby Impowered to Take, and is hereby Directed to File and Enter in a Book to be Kept for that Purpose.

Memorials of Wills, Deeds or Conveyances, &c. to be Entred, &c.

VII. And be it further Enacted by the Authority aforesaid, That every Memorial of any Deed, Conveyance or Will shall contain the Day of the Month and the Year when such Deed, Conveyance or Will bears Date, and was perfected, and the Names and Additions of all the Parties to such Deed or Conveyance, and of the Devisor or Testatrix of such Will, and of all the Witnesses to such Deed, Conveyance or Will, and shall express or mention the Honors, Manors, Lands, Tenements or Hereditaments contained in such Deed, Conveyance or Will, and the Names of all the Counties, Baronies, Cities, Towns Corporate, Parishes, Townships, Hamlets, Villages, Precincts within this Kingdom, where any such Honors, Manors, Lands, Tenements or Hereditaments are lying and being, that are Given, Granted, Conveyed, Devised, or any way Affected or Charged by any Deed, Conveyance or Will in such manner as the same are expressed or mentioned in such Deed, Conveyance or Will, or to the same effect; and that every such Deed, Conveyance, or Will, or Probate of the same, of which such Memorial is to be Registred as aforesaid, shall be Produced to the said Register, or his Deputy, at the Time of Entring such Memorial, who shall Endorse a Certificate on every such Deed, Conveyance and Will, or Probate thereof, and therein mention the certain Day and Time on which such Memorial is so Entred and Registred, Expressing also in what Book, Page and Number the same is Entred, and that the said Register or his Deputy shall Sign the said Certificate when so Endorsed; which Certificate shall be Taken and Allowed as Evidence of such respective Registries in all Courts of Record whatsoever; and that every Page of such Register Books, and every Memorial that shall be Entred therein shall be Numbred, and the Day of the Month and the Year when every such Memorial is Registred, shall be Entred in the Margines of the said Register-Books, and of the said Memorial; And that every such Register shall Keep an Alphabetical Kalendar of all Counties, Baronies, Cities, Towns Corporate, Parishes and Townships within this Realm, with Reference to the Number of every Memorial that concerns the Honors, Manors, Lands, Tenements or Hereditaments in every such County, Barony, City, Town Corporate, Parish or Township respectively, and of the Names of the Parties mentioned in such Memorial: And that such Register or his Deputy shall duly File every such Memorial, in Order of Time, as the same shall be brought to the said Office, and Enter or Register the said Memorials in the same Order that they shall respectively come to his Hands,

Every Register to keep an Alphabetical Kalendar of all Counties, &c.

Every Regiſter to take the Oath, &c.

VIII. And be it further Enacted by the Authority aforeſaid, That every ſuch Regiſter, before he Enter upon the Execution of the ſaid Office, ſhall be Sworn before the Lord Chief Baron, or ſome other of the Barons of Her Majeſty's Court of Exchequer, who are hereby required to Adminiſter ſuch Oath in theſe words: You ſhall truly and faithfully Perform and Execute the Office and Duty that is Directed and Required by Act of Parliament, in Regiſtring Memorials of Deeds, Conveyances and Wills within this Kingdom, ſo long as you ſhall continue in the ſaid Office. *So Help you God.* And that when and as often as the ſaid Regiſter ſhall appoint any Deputy to Execute the ſaid Office, ſuch Deputy ſhall before he Enter on the Execution thereof, take the ſaid Oath before the Lord Chief Baron, or ſome other of the Barons of Her Majeſty's Court of Exchequer, who are hereby required to Adminiſter the ſame; and that every ſuch Regiſter at the time of his being Sworn into the ſaid Office, ſhall alſo Enter into a Recognizance with two or more ſufficient Sureties to be approved of by the Lord Chief Baron, or ſome other of the Barons of Her Majeſty's Court of Exchequer, of the Penalty of Twenty thouſand Pounds unto Her Majeſty, Her Heirs and Succeſſors, to be taken by the ſaid Lord Chief Baron, or ſome other of the ſaid Barons, Conditioned for his true and faithful performance of his Duty in the Execution of his ſaid Office; the ſame to be kept, and to remain in the Office of Her Majeſty's Remembrancer of the Exchequer, amongſt the Records of the ſaid Court.

To Enter into a Recognizance with Secureties, *&c.*

If a Regiſter Dye or Surrender, and no fault found in three Years after the Recognizance to be void.

IX. Provided nevertheleſs; And be it further Enacted by the Authority aforeſaid, that when any Regiſter ſhall dye, or ſurrender his Office, and that within the ſpace of three years from and after ſuch Death or Surrender, no miſbehaviour appear to have been committed by ſuch Regiſter in the Execution of his ſaid Office; Then, and in ſuch caſe, at the end of the ſaid three years after his Death, or ſurrender the ſaid Recognizance ſo Entred into by him, ſhall become void, and of no effect to all intents and purpoſes whatſoever.

Daily Attendance except *Sundays* between Nine and Twelve in the Forenoon and Three and ſix in the afternoon.

X. And be it further Enacted by the Authority aforeſaid, That every ſuch Regiſter, or his ſufficient Deputy, ſhall give due Attendance at his Office every day in the week, except Sundays and Holy-days, between the hours of nine and twelve in the Forenoon, and between the hours of three and ſix in the Afternoon, for the Diſpatch of all Buſineſſes belonging to the ſaid Office. And that every Regiſter or his Deputy, as often as required, ſhall make Searches concerning all Memorials that are required as aforeſaid, and give Certificates concerning the ſame, under his Hand, if required by any Perſon.

His Fees.

XI. And be it further Enacted by the Authority aforeſaid, that every ſuch Regiſter ſhall be allowed for the Entry of every ſuch Memorial as is by this Act directed, the ſum of ſix pence and no more, in caſe the ſame do not exceed one hundred words: But if ſuch Memorial ſhall exceed one hundred Words, then after the Rate or Proportion of three pence a hundred for all the Words contained in ſuch Memorial over and above the firſt one hundred Words, and the like Fees for the like number of words, contained in every Certificate or Copy given out of the ſaid Office, and no more: And for every Search in the ſaid Office ſix pence and no more.

Forfeiture and Damages on neglect of his Duty.

XII. And be it further Enacted by the Authority aforeſaid, that if any ſuch Regiſter, or his Deputy, ſhall neglect to perform

perform his or their Duty in the Execution of the said Office, according to the Rules and Directions in this Act mentioned, or commit, or suffer to be committed any undue or fraudulent Practice in the Execution of the said Office, and be thereof lawfully convicted, That then such Register shall forfeit his said Office, and pay treble Damages, with the full Costs of Suit to every such Person or Persons as shall be injured thereby to be recovered by Action of Debt, Bill, Plaint or Information in any of Her Majesty's Courts of Record at Dublin, wherein no Essoign, Protection, Privilege of Parliament, or Wager of Law shall be allowed, nor any more than one Imparlance.

The Case of the Person nominated upon the Death of the Register.

XIII. And be it further Enacted by the Authority aforesaid, that the Person to be Nominated as aforesaid, upon the Death of any Register, to Execute the said Office during the time the same shall be vacant as aforesaid, shall before he enter on the Execution thereof, take the Oath herein before appointed to be taken by such Register, or his Deputy, before the Lord Chief Baron, or some other of the Barons of Her Majesty's Court of Exchequer, who are hereby required to Administer such Oath: And that if such Person so Nominated shall be lawfully convicted of any Neglect, Misdemeanor, Fraudulent Practice in the Execution of the said Office during such Vacancy, he shall be liable to pay treble Damages, with full Costs of Suit to every Person that shall be injured thereby, to be recovered as aforesaid.

The Extent of this Act.

XIV. Provided also, And be it further Enacted by the Authority aforesaid, That this Act shall not Extend to any Lease or Leases for Years not exceeding Twenty One Years, where the Actual Possession goeth along with the said Lease, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

If more Writings than one, what to be done.

XV. Provided always, And be it further Enacted by the Authority aforesaid, That where there are more Writings than one for making and perfecting any Conveyance or Security, which do name, mention, or any ways affect or concern the same Honors, Manors, Lands, Tenements or Hereditaments, it shall be a sufficient Memorial and Register thereof, if all the said Honors, Manors, Lands, Tenements or Hereditaments, and the Counties, Baronies, Cities, Towns Corporate, Parishes, Town-ships, Hamlets, Villages where the same lye be only once named or mentioned in the Memorial, Register and Certificate of any of the Deeds or Writings made for the perfecting of such Conveyance or Security, and that the Dates of the rest of the said Deeds or Writings relating to the said Conveyance or Security, with the Names and Additions of the Parties, and Witnesses, and the Places of their Abode be only set down in the Memorials, Registers and Certificates of the same, with a Reference to the Deed or Writing, whereof the Memorial is so Registred, that Contains or Expresses the Parcels mentioned in all the said Deeds and Directions how to find the Registring the same.

Memorials or Deeds, &c. not within 60 Miles of *Dublin*.

XVI. And be it further Enacted by the Authority aforesaid, That a Memorial of such Deeds, Conveyances and Wills as shall be Made, and Executed, and Published in any Place not within Sixty Miles of the City of Dublin, shall be Entred or Registred by the aforesaid Register or his Deputy, in Case an Affidavit Sworn before any One of the Judges at

the Aſſizes, or before the Juſtices of the Peace in open Court, at the General Quarter Seſſions, or before a Perſon Commiſſioned, purſuant to a late Act of Parliament for Taking Affidavits in the Country, in the Preſence of two or more Juſtices of the Peace of the ſame County, who are hereby Required to Subſcribe their Names, as Witneſſes to the Taking of ſuch Affidavit, be brought with the ſaid Memorial to the ſaid Regiſter, or his Deputy; wherein one of the Witneſſes to the Execution of ſuch Deeds and Conveyances, ſhall Swear He or She ſaw the ſame Executed, and the Memorial Signed and Sealed as aboveſaid, or wherein one of the Witneſſes to the Memorial of any Will, ſhall Swear He or She ſaw ſuch Memorial Signed and Sealed as aboveſaid; And the ſame ſhall be a ſufficient Authority to the ſaid Regiſter or his Deputy, to give the Party who brings ſuch Memorial and Affidavit to be Filed and Entred as aforeſaid, a Certificate of the Regiſtring ſuch Memorial, which Certificate Signed by the ſaid Regiſter or his Deputy, ſhall be taken and allowed as Evidence of the Regiſtries of the ſame Memorials in all Courts of Record whatſoever, any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Penalties for Forging any Memorial, &c.

XVII. And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any time Forge or Counterfeit any ſuch Memorial or Certificate as are herein before mentioned and directed, and be thereof lawfully Convicted, ſuch Perſon or Perſons ſhall incur and be liable to ſuch Pains and Penalties as in and by an Act of Parliament made in the Twenty Eight Year of the Reign of Queen Elizabeth of Bleſſed Memory, Intituled, An Act againſt Forging Evidences are Impoſed upon Offenders therein mentioned; And that if any Perſon or Perſons ſhall at any time Forſwear Himſelf before the ſaid Regiſter or his Deputy, in any of the Caſes aforeſaid, and be thereof lawfully Convicted, ſuch Perſon or Perſons ſhall incur, and be liable to the ſame Penalties, as if the ſame Oath had been made in any of the Courts of Record at Dublin.

In caſe of any inevitable Difficulty.

XVIII. Provided always, That in caſe the Deviſee, or Perſon or Perſons Intereſted in the Honors, Manors, Lands, Tenements or Hereditaments Deviſed by any ſuch Will as aforeſaid, by reaſon of the Conteſting ſuch Will, or other inevitable Difficulty, without His, Her, or their wilful Neglect, or Default, ſhall be diſabled to Exhibit a Memorial for the Regiſtering thereof within their reſpective times herein before limitted; Then, and in ſuch caſe the Regiſtry of the Memorial within the ſpace of ſix Months next after His, Her, or Their Attaintment of ſuch Will or Probate thereof, or Removal of the Impediment, whereby, He, She, or They are diſabled or hindered to Exhibit ſuch Memoral, ſhall be a ſufficient Regiſtry within the Meaning of this Act, any thing herein contained to the contrary thereof notwithſtanding.

What time the Regiſter ſhall be Reſident in this Kingdom.

XIX. And be it further Enacted by the Authority aforeſaid, That all Perſons that ſhall be Regiſters, and alſo all Perſons in truſt, for whom ſuch Office ſhall be granted, ſhall be Reſident in this Kingdom at leaſt Nine Months in every Year. And if ſuch Regiſters or Perſons in Truſt for whom ſuch Office ſhall be Granted, ſhall abſent Him or Themſelves out of this Kingdom for more than Three Months in any one Year,

Year, except in case of Sickness, requiring his going or staying beyond the Sea, for the Recovery of his Health, the said Office to be void, any Precedent Grant thereof to the contrary notwithstanding.

CHAP. III.

An Act for Continuing an Act made in the Ninth Year of the Reign of the late King *William*, Intituled, *An Act for the more easie obtaining Partitions of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common, and Bounding and Mearing of Lands.*

WHEREAS in a Parliament Held, in the Ninth Year of the Reign of the late King William, of Glorious Memory, a Statute was made, Intituled, An Act for the more easie obtaining Partitions of Lands in Coparcenary, Joynt-Tenancy, and Tenancy in Common, and Bounding and Mearing of Lands; which Act is now Expired, but by Experience hath been found to be a good and profitable Law for this Kingdom, and fit to be continued and made perpetual.

II. Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Statute, and all and every the Branches and Clauses in the same contained, are hereby Continued, and shall from henceforth Be, Remain and Continue in Force and Effect for ever.

III. Provided always, and be it Enacted by the Authority aforesaid, That notwithstanding any thing in this, or the former Act, mentioned or contained to the contrary; every of the said Joint-Tenants, or Tenants in Common, and their Heirs, after such Partition made shall, and may have Aid of the other, or of their Heirs, to the Intent to Deraigne the warranty Paramount, and to Recover for the Rate, as is used between Coparceners after Partition, made by the Order of the Common Law; Any thing in this, or the said former Act, contained to the contrary notwithstanding.

CHAP. IV.

An Act to Prevent the Destroying and Murthering of *Bastard Children.*

WHEREAS many Lewd Women who have been Delivered of Bastard-Children, to avoid their Shame and to Escape Punishment, do secretly Bury or Conceal the Death of their Children, and after, if the Child be found Dead, the said Women do Alledge that the said Child was born Dead. Whereas it falleth out sometimes (although hardly it is to

be Proved) that the said Child or Children were Murthered by the said Women, their Lewd Mothers, or by their Assent or Procurement.

II. For the Prevention therefore of this great Mischief, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any Woman after the First Day of November, which shall be in this present Year, One thousand seven hundred and seven, be Delivered of any Issue of her Body, Male or Female, which being Born alive, should by the Laws of this Realm be a Bastard, and that she Endeavour privately, either by Drowning, or secret Burying thereof, or any other way, either by herself, or the Procuring of others, so to Conceal the Death thereof as that it may not come to Light, whether it were born Alive or not, but be Concealed, in every such Case the Mother, so Offending, shall Suffer Death, as in Case of Murther; except such Mother can make Proof by one Witness, at the least, that the said Child (whose Death was by her so intended to be Concealed) was born Dead.

CHAP. V.

An Act for the Amending and Continuing an Act, made in the Second Year of the Reign of Her Most Excellent Majesty, Intituled, *An Act for the Recovery of Small Debts, in a Summary way before the Judges of Assize.* Expired.

CHAP. VI.

An Act to Explain and Amend an Act, Intituled, *An Act to Prevent Papists being Sollicitors.*

WHEREAS by an Act of Parliament made in this Kingdom, in the Tenth Year of the Reign of His late Majesty King William, of ever Blessed Memory, Intituled, An Act to prevent Papists being Sollicitors, It is Enacted, That from and after the First Day of March, in the Year of our Lord One thousand six hundred and ninety eight, No Person or Persons shall Practise or Act as Sollicitor in any Court of Law or Equity, or as Agent or Manager in any Cause or Suit in Law or Equity, or as Seneschal or Sollicitor in all or any of the Courts or Offices in this Kingdom, not having first taken the Oaths and Subscribed the Declaration in (the said Act mentioned;) and that any Person who shall Practise as aforesaid, before he shall have taken the said Oaths and Subscribed the said Declaration, contrary to the Purport and Meaning of the said Act, shall for every such Offence Forfeit the Sum of One hundred Pounds, and

and be uncapable to be Executor or Administrator, or to take any Benefit by any Legacy, Gift, or Grant of any Lands, Tenements, Hereditaments, Goods, or Chattels whatsoever.

II. And whereas since the Making the said Act, several known Papists, of this Kingdom, have frequently and openly Practised and Acted as Sollicitors and Agents in several Suits and Causes in Law and Equity, Contrary to, and in Contempt of the said Act, the Penalty of one Hundred Pounds being too small, in respect of the great Gains they make by their Practice, and the Difficulties attending the Prosecution thereof, are such, that the Mischief Intended to be Remedied by the said Act remains unredressed.

No Papist to practise without taking the Oath, &c.

III. For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That no Papist, or reputed Papist, be permitted, suffered or allowed, to Practise or Act as Sollicitor, Agent or Manager in any Suit of Law or Equity, in any of Her Majesty's Four-Courts in Dublin, the County Palatine of Tipperary, or in any Court of Record in this Kingdom, or in any Ecclesiastical Court, or Court of Admiralty, or as Clerk in any Sheriffs Office, or on any Commissions Issued out of any Court of Equity, before he shall have taken the Oaths, and Subscribed the Declaration in the said Act mentioned; as also the Oath of Abjuration following, in one of Her Majesty's Four-Courts in Dublin.

I *A. B.* do Truly and Sincerely Acknowledge, Profess, Testifie and Declare in my Conscience, before God and the World, That Our Sovereign Lady Queen *ANNE*, is Lawful and Rightful Queen of this Realm, and of all other Her Majesty's Dominions and Countries thereunto belonging. And I do Solemnly and Sincerely Declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease pretending to be, and taking upon himself the Style and Title of King of *England*, by the Name of *James* the Third, hath not any Right or Title, whatsoever, to the Crown of this Realm, or any other the Dominions thereto belonging: And I do Renounce, Refuse and Abjure, any Allegiance or Obedience to him. And I do Swear, that I will bear Faith and true Allegiance to Her Majesty Queen *ANNE*, and Her will Defend, to the utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity. And I will do my best Endeavour to Disclose and make known to Her Majesty, and Her Successors, all Treasons and Traiterous Conspiracies, which I shall Know to be against Her, or any of them. And I do faithfully Promise, to the utmost of my Power, to Support, Maintain and Defend, the Limitation and Succession of the Crown, against him the said *James*, and all other Persons whatsoever, as the same is and stands Limited by an Act, Intituled, *An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, to Her present Majesty, and the Heirs of Her Body, being Protestants: And as the same by one other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subjects*, is and stands Limited after the Decease of Her Majesty, and for Default of Issue of Her Majesty, to the Princess *Sophia*, Electoress and Dutchess Dowager of *Hanover*, and the Heirs of Her Body, being Protestants. And all these things I do plainly and sincerely Acknowledge and Swear, according to these express Words by me

ſpoken, and according to the Plain and Common Senſe and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion, or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation and Promiſe, Heartily, Willingly and Truly, upon the True Faith of a Chriſtian.

So Help me GOD.

The Forfeiture.

IV. And be it further Enacted by the Authority aforeſaid, That if any Papiſt or Reputed Papiſt, ſhall after the Firſt Day of Michaelmas Term next, preſume to Practiſe or Act as Sollicitor, Agent, or Clerk, contrary to the Purport and Meaning of this or the ſaid former Act, every Perſon ſo Offending, ſhall, for every ſuch Offence, Forfeit the Sum of Two hundred Pounds, to be Recovered in ſuch manner as in, and by the ſaid former Act is Directed; and alſo Incur and Suffer the other Penalties and Diſabilities in the ſaid former Act mentioned.

The Penalty on refuſing to take the Oaths when called.

V. And for the greater Eaſe of ſuch Perſon or Perſons as are minded to Sue for the Recovery of the ſaid Sum of Two hundred Pounds, Be it further Enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Michaelmas Term next, it ſhall, and may be lawful, to and for any Perſon or Perſons whatſoever, who ſhall ſee or know any Papiſt, or Reputed Papiſt, to Practiſe or Act as Sollicitor, Agent, Manager or Clerk, openly, in any of the Courts aforeſaid, to Demand and Deſire that the Oaths and Declaration, herein before mentioned, be forthwith Tendred to him by the Court; and in Caſe the Perſon or Perſons ſo Charged with Practiſing or Acting, as aforeſaid, ſhall then Refuſe to Take the ſaid Oaths, and Subſcribe the ſaid Declaration, and Proof be made by the Teſtimony of Two or more Credible Witneſſes, upon Oath, to the Satisfaction of the Lord Chancellor, or other Judge or Judges, before whom ſuch Cauſe depends, that the Perſon, ſo charged, hath Acted as Sollicitor, Agent, Clerk or Manager, openly in the ſaid Court before him, then, and in ſuch Caſe, or upon the Confeſſion of the Party Accuſed, the Lord Chancellor, or ſuch other Judge or Judges, ſhall Order the Perſon ſo refuſing, to take the ſaid Oaths, and Subſcribe the ſaid Declaration, to be Recorded as a Popiſh Sollicitor, Convict of the ſaid Offence; and every ſuch Perſon ſo Recorded, ſhall from thenceforth be Taken, Deemed, and Adjudged, a Popiſh Sollicitor Convict of the ſaid Offence, and ſhall Forfeit to the Perſon or Perſons, at whoſe Inſtance the ſaid Oaths and Declaration were ſo Tendred to him the ſaid Sum of Two hundred Pounds, and ſhall be committed in Execution until he pay the ſame; and ſhall alſo Incur and Suffer the other Penalties and Diſabilities in the ſaid Act mentioned.

No Privilege to exempt from giving Evidence in this Act.

VI. And be it further Enacted by the Authority aforeſaid, That no Barriſter, Attorney, Officer, or other Practiſer in Law or Equity, ſhall be Allowed to Inſiſt upon any Privilege, ſo as to Exempt, Excuſe or Hinder, them, or any of them, from giving their Evidence or Teſtimony, and anſwering on Oath, as to their Knowledge, in any Matter that ſhall, or may, come in Queſtion, on any Suit brought upon this, or the ſaid former Act.

VII. And foraſmuch as the Safety and Proſperity of this Kingdom, very much depends on the due Execution of ſuch Laws

Laws as have been made for the Security of the Protestant Interest thereof; and that the same are in a great measure Frustrated and rendred Ineffectual, by Papists being returned to Serve on Grand-Juries, in the several Counties of this Kingdom; as also on Petty-Juries, for Tryals of several Offences committed by Papists, in Breach and Violation of such Laws.

No Papist to serve on Juries.

VIII. For Remedy whereof, Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term next, no Papist shall Serve, or be Returned to Serve, on any Grand-Jury in Her Majesty's Court of Queen's-Bench, or in any Court before Justices of Assize, Oyer and Terminer, or Goal-Delivery, or Quarter-Sessions, or in any Court in the County Palatine of Tipperary, unless it shall appear to the Justice or Justices of such Court that a sufficient number of Protestants cannot be then had for that Service; And that in all Tryals of Issues, on any Presentment, Indictment, or Information, or Action, on any of the said Statutes, it shall, and may be lawful, to, and for the Prosecutor or Plaintiff, to Challenge any Papist returned as Juror to try the same, and assign for Cause, that the Person so returned to Serve is a Papist; which Challenge, the Justice, Judge or Judges, before whom the same shall be Tryed, shall Allow and Adjudge the same to be a good and a loyal Challenge.

No Attorney to take any Papist Apprentice or Clerk.

IX. And be it further Enacted by the Authority aforesaid, That no Attorney, Six-Clerk, Sollicitor, Officer, or Deputy Officer, in any of the Courts aforesaid, shall after the said First Day of Michaelmas Term next, presume to take, keep, or have any Papist, or reputed Papist, to be his Apprentice or Clerk and that no Officer, or Deputy-Officer, shall willingly and knowingly Permit, Suffer, or Allow any such Popish Sollicitor, Agent, or Manager as aforesaid, to View, Search, or Inspect, any of the Records, Pleadings, Rules, Orders, or Entrys, in His or Their Office or Offices; or otherwise to Practise, or Act as Sollicitor or Agent there, upon Pain and Forfeiture, for every such Offence, Fifty Pounds, to be recovered by such Person or Persons, as will Sue for the same, by Writ, Bill, Plaint or Information, in any of Her Majesty's Courts of Dublin, in which no Essoin, Privilege, or Wager of Law, or more than one Imparlance, shall be allowed.

Every Person Sued or Prosecuted to be held to special Bail.

X. And for the better Encouragement of those who shall Prosecute such as shall Offend against this, or the said former Act, Be it further Enacted by the Authority aforesaid, that all and every Person or Persons who shall be Sued or Prosecuted, for any Offence done against This, or the said former Act, shall be kept and Held by the Court in which he or They shall be Sued, or Prosecuted, to special Bail.

XI. Provided always, that nothing in this Act contained, shall be taken to Extend to Hinder any Person or Persons, that was, or were known, as professed Common Sollicitors, Managers or Agents, in any Cause or Causes, Suit or Suits, in any of the Courts of this Kingdom, in the Reign of King Charles the Second, and that hath been Adjudged to be comprehended within the Articles of Limerick, made upon the Surrender thereof, and hath taken the Oath of Abjuration, before the First Day of July, One thousand

Seven hundred and Seven, any thing in this Act contained to the contrary thereof, in any wise notwithstanding.

None Acting for his Master, &c.

XII. Provided always, that nothing in this Act contained, shall be taken to Extend to Prohibit any Person or Persons Plaintiff or Defendants, in His or Their own Suit or Suits only, or to any Menial Servant acting as such for his Master, in his Suit or Suits only, in any of Her Majesty's Courts of this Kingdom, and for no other Person whatsoever.

CHAP VII.

An Act for Lessening Sheriffs Fees on Executions.

WHEREAS on Executions by Elegits, Fieri Facias, Capias ad Satisfaciendum, and on Liberatis, Writs of Possession, and other Executions, the Sheriffs and other Officers having Execution of Writs, usually demand Great, Excessive, and unlawful Fees. For prevention whereof,

II. Be it Enacted by the Queen's Most Excellent Majesty, By and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by Authority of the same, That no Sheriff or other Officer having Execution of Writs, shall from and after the Sixth Day of November, in the Year of our Lord, One Thousand Seven Hundred and Seven, Receive or Demand Fees for Executions either on Judgments, Statutes, or otherwise, for more than what the Party at whose Suit the Execution Issues, or His, or Her, or Their Attorney or Agent, shall under His or Her Hand, Certify to be justly Due to Him or Her thereon; And that at the time any Writ of Execution shall be Demanded or Called for in any Office in this Kingdom, whence such Execution is to Issue; the Party Demanding the same, shall lodge with the Officer a Writing or Certificate under the Hand of the Party or Parties for whom such Execution is Demanded, or of his Attorney, containing such Sum as the Party at whose Suit such Execution shall Issue, Demands and Insists on to be in good Conscience due to him, after all Equitable Deductions that ought to be made out of the Sum for which the said Judgment is given; which Certificate shall be Filed in the said Office, and the Sum therein contained shall be Entred in the Book where the Executions are Entred, and also on the foot of the Writ of Execution that shall Issue; For all which, the Fee of Twelve Pence, and no more shall be demanded or taken: And that no Sheriff or other Officer having Execution of Writs, shall from and after the said Sixth Day of November, in the Year of Our Lord One thousand seven hundred and seven, levy any other or greater Sum, or Demand or Recieve more Fees on such Executions, than for such Sum as shall be so Entred on the Foot of such Execution, notwithstanding such Execution shall contain a greater Sum than is so Entred on the Foot, thereof; and that no Execution shall be Executed, at the Foot of which such Entry shall not be made, as is aforesaid.

No Fees to be taken for more than is due, and filed, &c.

If they shall charge over.

III. And be it further Enacted by the Authority aforesaid, That in Case on any such Execution, the Sheriff, or any other

ther Officer having Executions of Writs as aforesaid, shall after the said sixth Day of November, in the Year of Our Lord One thousand seven hundred and seven, Demand or Receive Fees for more than appears to be due by such Certificate, that such Sheriff or Under Officer shall be liable to the Action or Suit of the Party against whom such Execution Issues, and shall forfeit, and answer to the said Party His, Her, or Their double Damages: And that if the Party or Parties at whose Suit such Execution shall Issue, or His, Her, or Their Attorney or Agent shall Neglect or Omit to Deliver an Attested Copy as aforesaid, of such Certificate together with such Writs of Execution, or shall appear wilfully, fraudulently, and maliciously to have Over-charged the Party against whom such Execution Issues, in such Certificate given in, or made by them, That the Party at whose Suit such Execution Issues, shall as aforesaid Forfeit, and Answer to the Party Grieved, His, Her, or Their treble Damages, which said Execution shall be marked with the Sum contained in the said Certificate by the proper Officer Issuing such Execution.

IV. And be it likewise Declared and Enacted by the Authority aforesaid, That from and after the said Sixth Day of November, in the Year of Our Lord One Thousand Seven Hundred and Seven, on all Executions by Capias ad Satisfaciendum, Fieri Facias, or Elegit, where Body, Goods or Chattels are taken in Execution, the Sheriff or other Officer aforesaid, shall and may after such Execution executed Demand and Take for his Fees for such Execution, The Sum or Poundage of Twelve Pence per Pound for the first Hundred Pounds, and Six Pence per Pound for every other Hundred Pounds, and so proportionably for any greater or lesser Sum of what shall appear to be due to the Party Plaintiff by such Certificate, and no more, Except only in Case where Goods and Chattels only are taken in Execution, which do not Amount to the Value of the Plaintiffs Debt or Demand: And that in such Case the Sheriff or other Officer as aforesaid, shall or may take Fees or Poundage, according to the above-mentioned Rate for so much only as the Goods or Chattels taken in Execution shall be Valued at, or amount unto; and as he shall Levy, and Pay over to the Plaintiff.

V. And be it further Enacted by the Authority aforesaid, That from and after the said Sixth Day November, in the Year of Our Lord One thousand seven hundred and seven, on Executions by Writs of Elegit, Extendi Facias, Capias, Utlagatum, Liberate, and all other Executions against Lands, Tenements or Hereditaments, where the same only shall be Seized into the Queen's Hands for the Benefit of the Subject, or Legal Possession only shall be delivered, that the Sheriff or other Officer aforesaid, shall and may demand and take the sum of One Pound six shillings and Eight pence for executing the same, and no more, or other Fees of Poundage, or otherwise: And that on Executions by Writ of Elegit, Liberate, and in all other Cases where actual Possession of Lands, Tenements or Hereditaments shall be delivered, the Sheriff or other Officer aforesaid, shall and may Demand and Receive twelve pence in the Pound, so as the said Fees upon any one Execution do not exceed the Sum of Five Pounds; and in Cases of Habere Facias Possessionem, the Sum of Two Pounds Ten Shillings, and no more; which Fees, and no more, or other

What Fees to be taken.

Gratifications or Reward, he shall and may Receive, but shall not Demand or Receive the same until the said Writ or Writs are duly and fully Executed.

VI. And whereas through the great Corruption and Partiality of Sub-Sheriffs, and their Bailiffs, it is now become very difficult to have any Mesne Process or Executions duly Executed, but Returns are made, that the Party against whom such Process or Execution Issues is not to be found, or that he hath no Lands or Goods, altho' the contrary be true.

VII. Be it therefore Enacted by the Authority aforesaid, That from and after the said Sixth Day of November, in the Year of our Lord one thousand seven hundred and seven, where any Sheriff shall on any Mesne, Process or Execution Return, that the Person against whom such Mesne, Process or Execution Issues cannot be Found, or that he hath not any Goods or Lands, that in such Case the Party Plaintiff may take out the same, or any other Mesne, Process, or Execution Directed to all or any the Coroners of the said County, who shall and may Execute the same without any further Direction or Regard to the said Sheriffs; Any former Law, Statute or Usage to the contrary notwithstanding. And that thereupon the said Coroner or Coroners is and are hereby Authorized and Impowered to Take Bail for the Appearance of such Person or Persons taken by him or them on Mesne, Process, as the Sheriff may or might have done, and shall be Liable to an Action in Case of any Escape of any Person in his or their Custody, on such Mesne Process or Execution as the Sheriff should have been, if the said Writ had been Executed by him; and that the said Coroner or Coroners shall and may take such Fees, and no other, or more for Execution of the said several Writs, than as is by this Act Appointed. And in Case the said Coroner or Coroners shall commit any Person or Persons so taken by them to the County Goal, the Goaler is hereby Directed and Required to Receive and Detain them.

In what Case the Coroner may execute.

VIII. And be it further Enacted by the Authority aforesaid, That from and after the said Sixth Day of November in the Year of our Lord One thousand seven hundred and seven, where any Sheriff or other Officer or Officers as aforesaid, shall wilfully neglect, Delay or Refuse to Execute any such Executions, or to do any Part of his Office therein, or shall Demand or Receive any other Fee, Gratification or Reward than as above mentioned, or shall not Hold an Enquiry on such Writ of Elegit, Extendi Facias, or Capias Utlagatum within ten Days after such Elegit, Extendi Facias, or Capias Utlagatum Delivered or Tendered to him or them, or shall Hold such Enquiry at any Place save the Chief Town in the County, or such other Place as shall be agreed on between him and the Party Delivering such Writ to him, or without giving Notice in Writing eight Days before the Execution thereof, to the said Party, of the Time and Place of Holding such Enquiry, that such Sheriff or other Officer in every such Case shall forfeit, and answer to the Party Grieved, the Sum of Twenty Pounds, or Treble Damages, at the Election of the Plaintiff, to be Recovered in any of Her Majesty's Courts of Record: And that where any Money is or shall be received by such Sheriff, or other Officer on any Execution, the same shall be paid on Demand, or within six Days after, to the Party

For Executions against Lands and Tenements, &c. what Fees to be taken.

Money Received by the Sheriff to be paid on demand.

Party at whose Suit the said Execution Issues, or to His or Her Attorney, or Assigns, after the Return of the said Execution be out; And in case he or they, Delay or Refuse to do the same, That he or they, so delaying or refusing, shall answer and pay to the Plaintiff, or any Person by him, her or them, lawfully Authorized, double the Sum so Levied and Received: And if upon any such Enquiry any Lease for Years shall be found, that before the Sale thereof, the Sheriff or other Officer aforesaid, before whom such Enquiry shall be so Held, shall after such Enquiry give Notice in Writing under his Hand, that such Lease has been found, and therein Name the Parties, both Plaintiff and Defendant; and the Debt, Interest and Costs Demanded, and the Lands or Tenements found thereby, and Affix the said Notice in the most Publick Place in the Shire-Town of the County, Town or City wherein such Lease Hold, Lands and Tenements lie by the Space of eight Days before any Sale shall be made by such Sheriff or other Officer of such Lease. Provided always, That no more shall be Recovered against any Sheriff, Coroner or Marshal of the Four-Courts in any Action of Escape to be brought against him or them, than the Sum or Sums so Certified to be due, with Costs of Court, and Damages for Non-Payment.

CHAP. VIII.

An Act for Explaining and Limiting the Privileges of Parliament.

WHEREAS by a Statute made in this Kingdom in the Third Year of Edward the Fourth, late King of England and France, and Lord of Ireland, Intituled, An Act whereby the Lords and Commons of the Parliament hath Privilege for certain days before and after the said Parliament, It is Declared, That no Minister of the said Parliament coming or going to the said Parliament during forty days before and forty Days after the said Parliament Finished, should not be impleaded, vexed nor troubled by no mean. The time of Privilege.

II. And whereas by one other Act made in the Tenth Year of Charles the First, late King of England, Scotland, France and Ireland, Entituled, An Act for new Executions to be Sued against any which hereafter shall be Delivered out of Execution by Privilege of Parliament, It is recited, that Doubt had been made, if any Person being Arrested in Execution, and by Privilege of either of the Houses of Parliament set at Liberty, whether the Party at whose Suit such Execution was pursued, be for ever after Barred and Disabled to Sue forth a new Execution in that Case;

III. Therefore it is hereby Enacted, That from Thenceforth the Party at or by whose Suit such Writ of Execution was pursued, his Executors or Administrators, after such time as the Privilege of that Session of Parliament in which such Privilege shall be so granted shall cease, may Sue forth, and Execute a new Writ or Writs of Execution in such manner and form as by the Laws of this Realm he might have done, if no such former Execution had been taken forth, or served;

notwithstanding which latter Statute, great Doubts have arisen upon the words in the said first Recited Act, what shall be understood and meant by the said words, *Viz.* After the said Parliament Finished, For Explanation whereof,

IV. Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That for ever hereafter the Privilege of Parliament shall begin forty days before the beginning or meeting of every Parliament, and shall continue during the Setting or Adjournment of this, or any other Parliament, and forty days after the Prorogation or Dissolution of this Present, and every other Parliament.

V. And be it further Enacted, That where any Plaintiff shall by reason of Privilege of Parliament, be Stayed, or Prevented from Prosecuting any Suit by Him Commenced, such Plaintiff shall not be Barred by any Statute of Limitation, nor shall his Suit be discontinued for want of Prosecution; But every such Plaintiff shall be at Liberty from time to time, immediately after the Rising of the Parliament, to proceed to Judgment and Execution, as if such Plaintiff had not been hindred from Prosecuting his Respective Suit, by Reason of Privilege of Parliament.

Goods may be Distrained during Privilege.

VI. And be it further Enacted, That from and after the end of this present Session of Parliament, It shall and may be lawful to and for all and every Person and Persons during the continuance of Privilege of Parliament, as the same is hereby before Declared to Distrain the Goods and Chattles of any Peer, Lord of Parliament, or Member of the House of Commons for the Arrears of any Rent, Duty or Service now owing, or which shall hereafter become due to any such Person or Persons, and to Dispose of such Distress or Distresses in like manner, as if the Goods and Chattles so Distrained, did not belong to any Member of either House of Parliament, any Privilege of Parliament, or any former Law, Statute or Usage to the contrary notwithstanding.

No Trustee to have any Privilege in that case.

VII. And be it further Enacted and Declared by the Authority aforesaid, That no Peer, Lord of Parliament, or Member of the House of Commons, Who is or shall be a Trustee, Guardian, Executor, or Administrator, hath, or shall have any Benefit of Privilege of Parliament in any Action or Suit which shall be Commenced or Prosecuted against him or them, as Trustee, Guardian, Executor or Administrator, in any Court of Law, or Equity, or in any Ecclesiastical or other Court whatsoever, any Statute, Law, Custom, or Usage, to the contrary notwithstanding.

VIII. And be it further Enacted, That no Action, Suit, Process, Order, Judgment, Decree or Proceeding in Law or Equity against any Original and Immediate Debtor to the Queen's Majesty, Her Heirs or Successors, for the Recovery or Obtaining of any Debt or Duty Originally and Immediately Due or Payable to Her Majesty, Her Heirs or Successors, or against any Accomptant or Person answerable or liable to render any Account unto Her Majesty, Her Heirs or Successors, for any Part or Branch of Her or Their Revenues, or for any other Original or Immediate Debt or Duty, nor the execution of any such Process, Order, Judgment,

ment, Decree, or Proceeding shall be Impeached, Stopped, or Delayed by or under Colour or Pretence of any Privilege of Parliament; Yet so nevertheless, That the Person of any such Debtor, or Accomptant, or Person Answerable or Liable to Account, Being a Peer of this Realm, or Lord of Parliament, shall not be liable to be Arrested or Imprisoned by or upon any such Action, Suit, Process, Order, Judgment, Decree, or Proceedings in Law or Equity, or being a Member of the House of Commons, shall not, during the Continuance of the Privilege of Parliament, as the same is herein before limited, be Arrested or Imprisoned, by or upon any such Action, Suit, Process, Order, Judgment, Decree or Proceedings.

CHAP. IX.

An Act for the Encouragement and Improvement of the Hempen and Flaxen Manufacture.

FORASMUCH as the Flaxen and Hempen Manufactures are, almost, the only Branch of Trade (which this Kingdom hath left, wherein to Imploy the Hands of the Poor Inhabitants thereof) the same ought to be duly Promoted and Encouraged.

II. And whereas also the Importation of Good, Sound, Foreign Hemp-Seed into this Kingdom, at easy and reasonable Rates, will much conduce to the Improving of the Hempen Manufacture; Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That whoever shall Import, or cause to be Imported into this Kingdom, any good and sound Hemp-Seed, of the Growth of Russia, Germany, the Netherlands, and the East-Country, within the Space of Nine Years next after the Twenty Fourth Day of December, One thousand seven hundred and seven, shall Receive for every Hogshead of such Hemp-Seed, as a Præmium, the Sum of Five Shillings Sterl. to be Paid by such Officer or Officers, and in such Manner as Drawbacks are usually Paid. Præmium for Hemp-Seed Imported.

III. Provided, that during the said Term of Nine Years, every Merchant who shall Export any Hemp-Seed, shall for every Hogshead, so Exported, Pay Five Shillings Custom to the Queen, Her Heirs and Successors, unless Oath be made before the Sub-Commissioners or Officer of the Port that the same (to the best of the Knowledge, or Belief of the Person making such Oath) was of the Growth of this Kingdom. Proviso.

IV. Be it likewise Enacted by the Authority aforesaid, That for the better Encouraging and Making of good Sail Cloth in this Kingdom, the Exporters of such Sail-Cloth well and sufficiently made (to any Parts beyond the Seas at any Time within the Space of Nine Years, next after the said Twenty Fourth Day of December, in the Year of our Lord, One thousand seven hundred and seven) shall receive, as a Præmium, for every Yard of Top-Sail Canvas made of sound and good Hemp, of Ten Pence per Yard value, and under Præmium for Sail-Cloth.

Fourteen Pence so Exported, the Sum of one Penny; and for every Yard of Sail-Canvas, made in Imitation of Holland-Duck, of the Value of Fourteen Pence per Yard, and upwards, so Exported, the Sum of Two Pence Sterl. to be paid by such Officer or Officers (the Exporter of the Cloth making Oath, that the said Cloth is made of Hemp, as aforesaid, of the Growth of this Kingdom) in such manner as Drawbacks are usually Paid.

V. And for Ascertaining the Value of such Cloth, the Commissioners in the Port of Dublin, and the Principal Officers of the Custom-House in all other the Ports, or any Two of them, whereof the Collector for the Time being to be one, shall have Power to Choose two Indifferent Merchants (experienced in the Value of such Linnen Cloth to be Exported) who upon viewing of the said Linnen Cloth, shall Certifie and Declare upon their Corporal Oaths, first Administred by the said Commissioners, or Officers, what the respective Values of such Cloth to be Exported are; and if such Merchants shall Certifie the Values of such Cloth to be Exported, to be as aforesaid, then, and in such Case, such Allowance and Payment of the Præmium shall be made as aforesaid.

Præmium for Kelp.

VI. And forasmuch as Pot-Ashes and other Materials for Bleaching of Linnen, and for Making of Soap, are at present very scarce and dear, and the Making of Ashes of Sea-wreck, commonly called Kelp, in Places lying on the Sea-Shore, will be very necessary and of great Use and Benefit to the whole Kingdom in Bleaching of Linnen; Be it further Enacted, That from and after the said Twenty Fourth Day of December, One thousand seven hundred and seven, during the Space of Nine Years, from thence next ensuing, every Person and Persons who shall make or cause to be made any Kelp of Sea-wreck, in any County of this Kingdom, shall and may, have and receive, as an Encouragement or Reward, for making the same, the Sum of Two Shillings and Six Pence Sterl. for every Tun of Kelp so made within such County; and so rateably and proportionably for a greater or lesser Quantity.

To be Levied by Grand-Jury.

VII. And for the certain Payment thereof accordingly; Be it further Enacted by the Authority aforesaid; That the Grand-Jury, or Grand-Juries at any the General-Assizes, which shall be Held for any County where Kelp shall be made, shall be, and are hereby Impowered and Required to Applot the said Sum of two Shillings and Six Pence per Tun, and so rateably to be Paid as a Reward and Encouragement for making such Kelp as aforesaid, upon the Inhabitants of the said County, in such Method and Manner as other Publick Taxes of such County are usually Applotted, due Proof on Oath, being first made to the Satisfaction of such Grand-Jury, of the Quantity of Kelp so made, or caused to be made, and which before that Time had not been Paid for, which Oath the Justices of Assize, at the Assizes, are hereby Authorized or Required to Administer, in order to the said Juries examining the Matter, as in like Cases is usual, whereupon the Court, where such Applotment shall be made, shall make their Order for levying thereof accordingly in such manner as other Publick Charges are levied; and that when the Money so Applotted shall be Levied, the same shall be Paid to such Person or Persons as hath made, or caused to be

be made such Kelp, as aforesaid, without Fee or Reward for the same.

VIII. And whereas the excessive Fees taken by the Officers of the Customs, on the Exportation of Linnen Cloth, bought by Seamen and others for their Own or Families Use, is a Discouragement to the said Linnen Manufacture; Be it therefore further Enacted by the Authority aforesaid, That from and after the Twenty Fourth Day of December, One thousand seven hundred and seven, there shall be paid to all or any of the Patentee-Officers, or any other Officer or Officers of Her Majesty's Customs or Revenue, their Clerks or Servants for Fees, or upon any Pretence, or for any Cause whatsoever, for any one Entry of Linnen Cloth that shall be exported, or Entred to be exported, containing less than fifty eight Pieces, one Penny for each Piece and no more; and for any one Entry containing fifty eight Pieces or upwards, the Sum of Four Shillings and Ten Pence, and no more, nor more than Six Pence for any Certificate of such Parcels, being of the Growth and Manufacture of this Kingdom; and in case any Officer or Officers shall demand or receive any greater Fee than as aforesaid, contrary to this Act, He or They, so Offending, and being duly Convicted thereof, shall Ipso facto, Forfeit His and Their Imployment and Imployments, and be Incapable, ever afterwards, of Having or Enjoying any Office or Employment in the Revenue in this Kingdom. Information on Oath being first given thereof within the space of Fourteen Days after the Offence committed, to some one of Her Majesty's Justices of the Peace, for the County or City where such Offence shall be committed. Custom-House Fees.

IX. Be it further Enacted by the Authority aforesaid, That the several Houses of Correction in every County of this Kingdom, shall before the Twenty Ninth Day of September, One thousand seven hundred and eight, be sufficiently Enlarged with all Conveniencies for Dressing and Preparing of Hemp and Flax at the Charge of each County, respectively: and when every such House of Correction shall be so Enlarged, the same shall be also used as, and called the House of Correction and Work-House, for the Preparing and Dressing of Hemp and Flax. Houses of Correction.

X. And for the better Governing of the said Work-House, Be it further Enacted, That the Grand-Jury (for every respective County within this Kingdom at the Summer Assizes to be held Yearly for every such County) may be, and hereby are Required and Impowered to Name and Choose fit and proper Persons (not exceeding Three in Number) to be Overseers of such Work-House, within the County such Grand-Jury shall Represent for the space of one Year, from the said Twenty Ninth Day of September, One thousand seven hundred and eight, and so Annually: and that no Person whatsoever shall be Keeper or Master of any the said Houses of Correction or Work-Houses, but such Persons as shall be knowing and well skilled as well in Sowing Hemp and Flax-seed, as in Dressing and Preparing Hemp and Flax for Spinning: And that such Master or Keeper may be placed in such Place or Office by such Overseers, as also Removed by them, for any Fault or Misdemeanour from time to time, as to them shall seem meet; and that the Presentments in that behalf shall be made to the Judge or Judges of Assize, Overseers. Master.

in the like manner as other Presentments are usually made; and that before such Keeper or Master shall be admitted into such Place or Office, he shall give sufficient Security to the Overseers, so Elected, for the due Performance of his Office Yearly; to be from time to time approved of, and allowed by the Overseers of the said Work-House for the time being.

To Sow Hemp and Flax.

XI. And be it further Enacted, That such Keeper or Master for the time being, as part of his Duty in his said Place or Office, may be obliged to Sow, or cause to be Sowed Yearly, at least two Acres, Plantation Measure, of proper and fit Land, with Hemp or Flax-seed: And also that such Master or Keeper of every of the said Work-Houses, for the time being, shall take such Apprentices from time to time, and for Term, not exceeding Three Years, as the said Overseers, for the time being, shall think fit and appoint to be Educated in, and Employed in well Ordering and Preparing Hemp and Flax, or one of them, and such Apprentices, are to continue in the same Service with the Master or Keeper of the said Work-House, for the time being, under the Covenants and Agreements, and during the Term that in their respective Indentures of Apprentiship, shall be mentioned and contained: And that no such Master or Keeper shall be Goaler or Keeper of any Prison, or use any Trade or Calling, during the time he shall be, or continue Master or Keeper of any of the said Houses of Correction and Work-Houses, other than what appertain to the Preparing and well Ordering of Hemp and Flax, and for the Enabling and Encouraging every such Master or Keeper to perform his Duty in his said Place or Office, of Keeper or Master.

Salary to the Master.

XII. Be it further Enacted by the Authority aforesaid, That the several Sums of Money, hereafter next mentioned, shall be paid to every such Master or Keeper, for the time being, by the Overseers, for the time being, to be appointed as aforesaid; (that is to say) the Sum of Twenty Pounds Sterl. for the first Year, next ensuing the Twenty Ninth Day of September, One thousand seven hundred and eight, whereof the said Master or Keeper is hereby appointed and required to lay out and employ the Sum of Ten Pounds Sterl. in Hemp-seed and Flax-seed, or in one of them; and in preparing Ground for Sowing such Seed, according to the Intent and Meaning of this Act: And also the Sum of Ten Pounds Sterl. for every Year after the end of the said first Year, until the end of Six Years from thence next ensuing. And the Keeper or Master of every such Work-House for the time being (as a further Encouragement to behave himself well in his said Place or Office) shall have free liberty of selling and disposing of all Flax and Hemp, that shall be Dressed and Prepared in such Work-House, whereof he is Master or Keeper, during the time he shall be Master or Keeper thereof, to his own Use and Advantage, the said Master or Keeper finding and providing, at his own Cost, the Hemp and Flax that shall be from time to time there so Dressed and Prepared.

Spinning-Schools.

XIII. And that a Spinning-School, or a School for teaching to Spin Flax and Hemp, or one of them, shall be kept and taught in every Town or Place where any such Work-House, as herein is mentioned, shall be under the Conduct and Inspection of some fit Person duly qualified to Instruct Children in the Art of Spinning Hemp and Flax, or one of them

them, which Perſon for teaching ſuch School, ſhall be nominated and appointed by the Overſeers reſpectively, of every ſuch Work-Houſe for the time being, together with the number of Children as they ſhall think fit and convenient to be Taught and Inſtructed in the Art of Spinning in every ſuch School; and that every ſuch Perſon ſo Employed in teaching to Spin, ſhall be obliged by the ſaid Overſeers, and are hereby required to teach no leſs then Twenty at one time, in the ſaid art of Spinning, as aforeſaid, in caſe ſo many ſhall be offered to learn the ſame; and to do the ſame Gratis, without Fee or Reward. And that for the Enabling and Encouraging ſuch Perſons who ſhall teach to Spin, in every ſuch Spinning-School and doing their Duty, the ſaid Place or Office, the ſeveral Sums of Money hereafter next mentioned, ſhall be paid to every ſuch Perſon as ſhall, for the time being, teach ſuch School, by the Overſeers for the time being (that is to ſay) the Sum of Ten Pounds Sterl. for the firſt Year next enſuing the Twenty Ninth Day of September, One thouſand ſeven hundred and eight, whereof the ſaid Perſon ſo teaching, every ſuch School, is hereby appointed and required to lay out and imploy the Sum of Five Pounds Sterl. in Spinning Wheels and Reels, to be imployed in every ſuch School, which the Overſeers are hereby directed and required to ſee duly laid out, and the remaining Five Pounds to be for the proper Uſe of ſuch Perſon as ſhall teach ſuch Spinning-School; and alſo the Sum of Six Pounds Sterl. for every Year after the end of the ſaid firſt Year during the ſpace of Six Years, from thence next enſuing, and that the ſaid Perſon keeping every ſuch School for the time being, as a further Encouragement to do her Duty, and behave herſelf Well in her ſaid Place of teaching ſuch School to Spin, ſhall, and may, have free and full liberty of Selling and Diſpoſing of all Yarn of Flax and Hemp, and either of them, to her own Advantage and Uſe, that ſhall be Spun in ſuch School reſpectively, the ſaid Perſon teaching ſuch School at her own Coſt, providing and finding ſuch Flax and Hemp that ſhall be ſo Spun there: and that the ſaid firſt Payment to be made to the Teacher of the School to ſpin; and the ſaid firſt Payment to be made to the Maſter or Keeper of the ſaid Work Houſe, ſhall be paid on the Twenty Ninth Day of September, One thouſand ſeven hundred and eight, the better to enable them to do their reſpective Duties in their ſeveral Places reſpectively. And that every ſuch Work-Houſe and Spinning-ſchool ſhall be under the Government and Direction of the ſaid Overſeers, to be from time Named and Choſen Yearly, as aforeſaid; and that ſuch Overſeers ſhall have Power to rectifie and amend all Diſorders that ſhall happen to be, or ariſe, in every ſuch Work-Houſe and Spinning-ſchool, or either of them, according to their Reaſon and Diſcretion, whereof they are to make Report, and give an Account Yearly to the Grand-Jury of that County, where ſuch Work-Houſe or Spinning-ſchool ſhall be, at the Summer Aſſizes that ſhall be held for ſuch County.

Allowances to Maſters of Work-Houſes.

XIV. And whereas the Allowances for the Support of the Maſters of the Work-Houſes, and Miſtreſſes of the Spinning-ſchools, in each County as aforeſaid, for the ſpace of Seven Years, commencing from the Twenty Ninth Day of September, One thouſand ſeven hundred and eight, will amount to the Sums following, (viz) For the firſt Year Thirty Two

Masters, at Twenty Pounds each, Six hundred and Forty Pounds: Thirty Two Mistresses, at Ten Pounds each, Three hundred and twenty Pounds: Total for the first Year, Nine hundred and sixty Pounds: For the Second Year, Thirty Two Masters, at Ten Pounds each, Three hundred and Twenty Pounds: Thirty Two Mistresses, at Six Pounds each, One hundred and ninety two Pounds: Total for the second Year, Five hundred and twelve Pounds; for five Years more, at Five hundred and twelve Pounds, Two thousand five hundred and sixty Pounds: Total for seven Years, Three thousand thirty two Pounds.

Paid to the Collector.

XV. Be it further Enacted by the Authority aforesaid, That the said Sum of Nine hundred and sixty Pounds, for the first Year, may be paid in manner following, (that is to say) That the Collector of Her Majesty's Revenue for such District, where such House shall be, do pay the Sum of thirty Pounds to such Persons as the Grand-Jury of such County shall appoint, or their Order, at their Summer Assizes, to be Overseers of the said Work-House and Spinning-school of that County to be by them paid over for the Uses, aforesaid, for the defraying the Charges of the first Year: And for every succeeding Year of the seven Years, aforesaid, that each Collector do pay over to such Persons as aforesaid, or their Order, the Sum of Sixteen Pounds; which said several Sums, so paid by such Collectors, shall be allowed in their Accounts of Contingences.

XVI. And whereas by an Act of Parliament made in this Kingdom, in the Second Year of her present Majesty's Reign, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom; It is Enacted, that no Person or Persons, whatsoever, shall expose to Sale any Linnen-Yarn made in this Kingdom, other than in Hanks or Dozens, each Hank or Dozen to consist of Twelve Cuts, and no more; and each Cut to contain One hundred and twenty Threads, and no more.

Reeling of Yarn.

XVII. Now for the more easie Discovering any Abuse in the Number of Threads, so to be made up, Be it further Enacted That every Cut of One hundred and twenty Threads, be sub-divided into six Loops, and that every Loop shall contain Twenty Threads.

Journeymen-Weavers.

XVIII. And for the better Regulating of Journey-men-Weavers, Be it further Enacted, That no Master-Weaver, or other Person, may, or shall, presume to Entertain any Journeymen Linnen-Weaver, inhabiting in this Kingdom, in any Imployment as a Linnen-Weaver unless such Journeyman-Weaver shall first produce, to the Master or Person about to Heir him, a Certificate in Writing, under the Hand of the Master he last served in this Kingdom, of such Journeyman's being Discharged from his former Master's Service, by Consent of such Master: And if any Master, without just Cause, shall refuse to give such Certificate, upon Complaint made thereof, by such Journeyman, to a Justice of the Peace of the County, or chief Magistrate in any Corporate Town where such Master inhabits, who shall send to the Master, and require from him, the Reason why such Journeyman is refused such Discharge and Certificate of his Behaviour; and in case the Justice of the Peace, or chief Magistrate, shall find that the Cause of the Refusal of such Certificate was not sufficient, in every such Case the said Justice

tice of the Peace, or chief Magistrate, may, and is hereby required to give a Certificate of such causeless Refusal, which Certificate, by the said Justice of the Peace, or chief Magistrate, shall be as effectual, as if a Certificate had been given by such Master, and shall be given without Fee or Reward; and shall Discharge such Journeyman as fully to all Intents and Purposes: And that any Journeyman Counterfeiting or Producing a Counterfeited Certificate under the Hand of any Master or Justice of the Peace, or chief Magistrate, shall be commiteed to the House of Correction, and there kept, for the space of Six Months, to hard Labour. And if any Master shall take into his Service any Journeyman, who has been in any former Service, without such Certificate from the former Master, in whose Service such Journeyman last was, or of such Justice or chief Magistrate, every such Master, receiving such Journeyman as aforesaid into his Service as aforesaid, being thereof lawfully Convicted at the Quarter Sessions of the Peace, held for the County or Place where such Offence shall be committed, shall forfeit the Sum of Forty Shillings, to be be levyed by Distress and Sale of the Offenders Goods, by Warrant from such Quarter-Sessions of the Peace, rendring to the Party the Over-Plus, one Moiety of every such Forfeiture to be to the Queen's Majesty, Her Heirs and Successors, and the other Moiety to the Informer, who shall Discover and make out the same.

XIX. And forasmuch as several Persons have Bought, and do actually Buy up great Quantities of Linnen-Yarn, without Regard to its being made up, as by the above mentioned Act is Prescribed and Appointed; and have Sold and do usually Sell the same again in Packs, or great Parcels to Merchants and Others, who Export the same (tho' not made up according to the said recited Act) into divers Countries beyond the Seas, to the great Discredit of the Linnen-Yarn of this Kingdom; for the better Preventing and Discovering of the Defects of such Yarn in the making up thereof, and for preventing of any Combination that may be between the Makers and Buyers of the said Yarn, that shall be so exposed to Sale, as to the Defaults thereof, in its not being made up according to the said Former Act, and this present Act.

Seizure of Linnen-Yarn

XX. Be it Enacted, That if any Linnen-Yarn, that shall be so Exposed to Sale, shall be found not to be made up according to the said former Act, before this Act shall be in Force, and according to the said former Act and this present Act, after this Act shall be in Force; or if any Linnen-Cloth made in this Kingdom to be Exposed to Sale, shall not be made according to the Intent and Meaning of this, and the said former Act, that then as often as it shall so happen, any Person or Persons that shall make such Discovery, of any such Faults, in making such Linnen-Yarn, or in the making such Linnen-Cloth, may take and seize the same to the Intent that such Linnen-Yarn, or Cloth so Seized, may be carried before the next Justice of the Peace of the County, or Chief Magistrate of any City or Town, where such Seizure shall be made, who is hereby Impowered and Required to Hear, Examine, and Determine the said Matter: And if such Justice of the Peace, or Chief Magistrate, shall upon Examination on Oath view, or Confes-

ſion of the Offender, or good Evidence, find ſuch Yarn or Linnen-Cloth to be ſo Faulty and Inſufficient, and ſo ſhall Declare and Adjudge the ſame, by Writing under his Hand and Seal, for which he ſhall take no Fee, that then the ſame ſhall be Forfeited, and the Property thereof ſhall be, and is hereby Veſted in the Informer, to all Intents and Purpoſes: But in caſe ſuch Yarn or Cloth ſhall be found by and before ſuch Juſtice of the Peace or Chief Magiſtrate, to be ſufficiently made according to Law, in that Caſe, Provided ſuch Yarn or Cloth ſo Seized, ſhall be Reſtored to the Owner; and the Perſon or Perſons ſo Informing and Seizing the ſame, ſhall Forfeit to the Owner of ſuch Cloth or Yarn, Treble the Damage by him Suſtained by ſuch Seizure, to be Adjudged by ſuch Juſtice of the Peace, or Chief Magiſtrate; and in Default of paying of ſuch Treble Damages, ſuch Juſtice of the Peace, or Chief Magiſtrate, is hereby Impowered and Required to commit ſuch Informer to Goal, there to Remain without Bail or Mainprize, until he ſhall Pay and Satisfie the ſame.

Toll. XXI. And whereas by the ſaid Act, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures of this Kingdom, It was Enacted, That no Toll ſhould be Paid for any Linnen-Cloth, Linnen-Yarn, or for Hemp or Flax Sold in any Market or Fair, or for the Paſſage of them, or any of them over any Bridge, or through any Town, or other Place whatſoever, which Clauſe for want of a Penalty Inflicted on thoſe that ſhould Take or Exact ſuch Toll, contrary to the ſaid Act, has not had its due Effect.

XXII. Be it further Enacted, That whoever ſhall Demand, Exact, or Take any Toll, or Cuſtoms, for any Linnen-Cloth, or any Yarn made of Hemp, or Flax, or Sail-Cloth, or Canvas made in this Kingdom, or for any Hemp, or Flax, ſhall Forfeit the Sum of Ten Pounds, for every ſuch Offence, to be Recovered by ſuch Perſon or Perſons who ſhall Sue for the ſame, in a Summary Way before the Judge of Aſſize, in the County where the Offence is Committed, in ſuch Manner as Debts are Recoverable before them.

CHAP. X.

An Act for the Amendment of the Law, and the Better Advancement of Juſtice.

FOR the Amendment of the Law in ſeveral Particulars, and for the Eaſier, Speedier, and Better Advancement of Juſtice,

Actions of Accounts may be maintained.

Where Demurrer joyned.

II. Be it Enacted by the Queen's Moſt Excellent Majeſty, By and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this Preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of Michaelmas Term, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and ſeven, Where any Demurrer ſhall be Joyned, and Entred in any Action or Suit in any Court of Record within this Realm, the Judges ſhall Proceed, and Give Judgment accord-

according as the very Right of the Cauſe and Matter in Law ſhall appear unto them, without Regarding any Imperfection, Omiſſion or Defect in any Writ, Return, Plaint, Declaration, or other Pleading, Proceſs, or Courſe of Proceeding whatſoever, Except thoſe only which the Party Demurring ſhall Specially and Particularly ſet down, and expreſs, together with his Demurrer, as Cauſes of the ſame; Notwithſtanding that ſuch Imperfection, Omiſſion or Defect might have heretofore been taken to be Matter of Subſtance, and not aided by the Statute made in the Tenth Year of King Charles the First, Intituled, An Act for Expedition of Juſtice, in Caſes of Demurrers, &c So as ſufficient Matter appear in the ſaid Pleadings, upon which the Court may give Judgment according to the very Right of the Cauſe.

III. And therefore from and after the ſaid First Day of Michaelmas Term, no Advantage or Exception ſhall be taken of or for any Immaterial Traverſe, or of or for the Default of Entring Pledges upon any Bill or Declaration, or of, or for the Default of Alledging the Bringing into Court any Bond, Bill, Indenture, or other Deed whatſoever mentioned in the Declaration or other Pleadings; Or of or for the Default of Alledging of the Bringing into Court Letters Teſtamentary, or Letters of Adminiſtration, or of, or for the Omiſſion of (Vi & Armis, & contra Pacem) Or either of them; Or of, or for the want of Averment of (Hoc paratus eſt verificare, Or Hoc paratus eſt verificare per Recordum) Or of, or for not Alledging (Pro ut Patet per Recordum): But the Court ſhall Give Judgment according to the very Right of the Cauſe as aforeſaid, without Regarding any ſuch Imperfections, Omiſſions and Defects, or any other Matter of the like Nature, except the ſame ſhall be ſpecially and particularly ſet down, and ſhewn for cauſe of Demurrer. No advantage to be taken for any immaterial Traverſe or Default of Entring Pledges, &c.

IV. And be it further Enacted by the Authority aforeſaid, That from and after the ſaid First Day of Michaelmas Term, all the Statutes of Jeofailes ſhall be extended to Judgments, which ſhall at any time afterwards be Entred upon Confeſſion (Nihil dicit or Non ſum Informatus) in any Court of Record, And no ſuch Judgment ſhall be Reverſed, nor any Judgment upon any Writ of Enquiry of Damages Executed thereon, be Stayed, or Reverſed, for, or by Reaſon of any Imperfection, Omiſſion, Defect, Matter or Thing whatſoever, which would have been Aided or Cured by any of the ſaid Statutes of Jeofailes, in Caſe a Verdict of twelve Men had been given in the ſaid Action or Suit, ſo as there be an Original Writ, Bill, or Declaration and Warrants of Attorney duly Filed according to the Law as is now uſed. All Statutes of *Jeofailes* extended to Judgments, &c.

V. Provided always, And be it Enacted by the Authority aforeſaid, That the Attorney for the Plaintiff or Demandant in any Action or Suit, ſhall File his Warrant of Attorney with the proper Officer of the Court where the Cauſe is Depending the ſame Term he Declares, and the Attorney for the Defendant or Tenant ſhall File his Warrant of Attorney as aforeſaid, the ſame Term he appears under the Penalties Inflicted on Attorneys by any former Law for Default of Filing their Warrants of Attorney. Provided the Attorney for the Plaintiff or Defendant File his Warrant of Attorney.

VI. And be it further Enacted by the Authority aforeſaid, That from and after the ſaid First Day of Michaelmas Term, it ſhall and may be lawful for any Defendant or Tenant in any Action, or Suit, or for any Plaintiff in Replevin in any Court of Record, with the leave of the ſame Court, to Plead as many ſeveral Matters thereto as He ſhall think Neceſſary for his Defence. Replevin.

In Case a Demurrer be found insufficient.

VII. Provided nevertheless, That if any such Matter shall upon a Demurrer Joyned, be Judged Insufficient, Costs shall be given at the Discretion of the Court, or if a Verdict shall be found upon any Issue in the said Cause for the Plaintiff or Demandant, Costs shall be also Given in like manner, unless the Judge who Tryed the said Issue, shall Certifie that the said Defendant, or Tenant, or Plaintiff in Replevin, had a probable Cause to Plead such Matter, upon which the said Issue shall be found against him.

Delays in Challenges of Arrays of Penals of Jurors, &c.

VIII. And Whereas Great Delays do frequently happen in Tryals, by reason of Challenges to the Arrays of Pannels of Jurors, and to the Polls for Default of Hundredors; For prevention thereof for the future;

IX. Be it Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, every Venire Facias for the Tryal of any Issue in any Action or Suit in Her Majesty's Court of Queen's-Bench, Common-Pleas, or Exchequer at Dublin, shall be Awarded of the Body of the proper County where such Issue is tryable.

No Appeals for Felony, Treason or Murther.

X. Provided always, And be it further Enacted by the Authority aforesaid, That nothing in this Act before contained shall Extend to any Writ, Declaration or Suit of Appeal of Felony, or Murther, or to any Indictment or Presentment of Treason, Felony or Murther, or other Matter; or to any Process upon any of them, or to any Writ, Bill, Declaration, Action or Information upon any Penal Statute.

Actions in *Tipperary, &c.*

XI. And be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, in any Action brought in any of Her Majesty's Four Courts at Dublin, or in the County Palatine of Tipperary, where it shall appear to the Court in which such Actions are depending, that it will be proper and necessary that the Jurors who are to Try the Issues in any such Actions, should have the View of the Messuages, Lands or Place in Question, in Order to their better Understanding the Evidence that will be given upon the Tryals of such Issues, in every such Case the respective Courts in which such Actions shall be depending, may order special Writs of Distringas or Habeas Corpora to Issue, by which the Sheriff, or such other Officer to whom the said Writs shall be Directed, shall be Commanded to have six out of the First twelve of the Jurors named in such Writs, or some greater Number of them at the Place in Question, some convenient time before the Tryal, who then and there shall have the Matters in Question shewn to them by Two Persons in the said Writs, named to be Appointed by the Court, and the said Sheriff, or other Officer, who is to Execute the said Writs, shall by a special Return upon the same, Certifie that the View hath been had according to the Command of the said Writs.

XII. And be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, all Grants or Conveyances thereafter to be made by Fine or otherwise, of any Manors, or Rents, or of the Reversion or Remainder of any Messuages or Lands shall be Good and Effectual to all Intents and Purposes, without any Attornment of the Tenants of any such Manors, or of the Land out of which the Rent shall be Issuing, or of the particular Tenants upon whose particular Estates any such Reversion

or

or Remainder shall or may be Expectant or Depending, as if their Attornment had been had and made.

XIII. Provided nevertheless, That no such Tenant shall be Prejudiced or Damaged by Payment of any Rent to any such Grantor, or Consignor, or by Breach of any Condition for Non-Payment of Rent before Notice shall be given to him of such Grant by the Consignee, or Grantee; And,

No dilatory Plea to be received in any Court of Record, &c.

XIV. Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, no Dilatory Plea shall be received in any Court of Record, unless the Party Offering such Plea, do by Affidavit prove the Truth thereof, or shew some probable Matter to the Court to Induce them to believe that the Fact of such Dilatory Plea is true; And,

A pending Action where there is a Condition or Defeazance to make void the same, &c.

XV. Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, where any Action of Debt shall be brought upon any Single Bill, or where any Action of Debt, or Scire Facias shall be brought upon Judgment, if the Defendant hath paid the Money due upon such Bill or Judgment, such Payment shall and may be Pleaded in Bar of any such Action or Suit; and where an Action of Debt is brought upon any Bond which hath a Condition or Defeazance to make Void the same, upon Payment of a lesser Sum at a Day or Place certain, if the Obligor, his Heirs, Executors, or Administrators, have before the Action brought, Paid to the Obligee, his Executors or Administrators, the Principal and Interest due by the Defeazance or Condition of such Bond, though such Payment was not made strictly, according to the Condition or Defeazance, yet it shall and may nevertheless be Pleaded in Bar of such Action, and shall be as effectual Bar thereof, as if the Money had been Paid at the Day and Place, according to the Condition or Defeazance, and had been so Pleaded; And,

Upon what pending Action, and the Conditions the Court may give Judgment of Discharge.

XVI. Be it further Enacted by the Authority aforesaid, That if at any Time Pending an Action upon any such Bond with a Penalty, the Defendant shall bring into the Court where the Action shall be Depending, all the Principal Money and Interest due on such Bond, and also all such Costs as have been expended in any Suit or Suits in Law or Equity upon such Bond; the said Money so brought in, shall be Deemed and Taken to be in Full Satisfaction and Discharge of the said Bond, and the Court shall and may Give Judgment to Discharge every such Defendant of and from the same accordingly,

The Proof of a Nuncupative Will.

XVII. And whereas by an Act of Parliament made in the Seventh Year of King William the Third, Intituled, An Act for Prevention of Frauds and Perjuries; It is Enacted, That no Nuncupative Will shall be good where the Estate thereby Bequeathed, shall exceed the Value of Thirty Pounds, that is not proved by the Oaths of three Witnesses at the least, that were present at the making thereof.

XVIII. Be it Enacted and Declared by the Authority aforesaid, That all such Witnesses as are and ought to be Allowed to be good Witnesses upon Trials at Law, by the Laws and Customs of this Realm, shall be Deemed good Witnesses to prove any Nuncupative Will, or any thing relating thereunto.

XIX. And whereas it hath been doubted, whether ſince the making the ſaid laſt mentioned Act of Parliament, the Declarations or Creations of Uſes, Truſts, or Confidence of any Fines or Common Recoveries manifeſted by Deed, made after the Levying or Suffering of ſuch Fines or Recoveries, are good and effectual in Law.

Declarations or Creations of Uſes, Truſts, &c.

XX. Be it further Enacted and Declared by the Authority aforeſaid, That all Declarations or Creations of Uſes, Truſts or Confidences of any Fines or Common Recoveries of any Lands, Tenements or Hereditaments manifeſted, and proved, or which hereafter ſhall be manifeſted and proved by any Deed already made, or hereafter to be made by the Parties who is by Law enabled to Declare ſuch Uſes or Truſts after the levying or ſuffering of any ſuch Fines or Recoveries, are and ſhall be as good and effectual in the Law, as if the ſaid laſt mentioned Act had not been made.

No Claim or Entry ſhall avoid any Fine Levied.

XXI. And be it further Enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of Michaelmas Term, no Claim or Entry to be made of or upon any Lands, Tenements or Hereditaments, ſhall be of any Force or Effect to avoid any Fine levied, or to be levied with Proclamations, according to the Form of the Statute in that caſe Made and Provided, in the Queen's Court of Common-Pleas at Dublin, or in the Court of the County Palatine of Tipperary, of any Lands, Tenements or Hereditaments, or ſhall be a ſufficient Entry or Claim within the Statute made in the Tenth Year of King Charles the Firſt, Intituled, An Act for Limitations of Actions, and for avoiding Suits in Law, unleſs upon ſuch Entry or Claim, an Action ſhall be Commenced within one Year next after the making ſuch Entry or Claim, and Proſecuted with Effect. And,

Actions if the Perſon be beyond the Seas, &c.

XXII. Be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons againſt whom there ſhall be any Cauſe of Action, or Treſpaſs Detinue, if Tover or Replevin for taking away Goods or Chattles, or of Action, of Account, or upon the Caſe, or of Debt grounded upon any Lending or Contract, without ſpecialty of Debt for Arrearages of Rent, or Aſſault, Menace, Battery, Wounding and Impriſonment, or any of them be or ſhall be at the time of any ſuch Cauſe of Suit or Action given or accrewed, fallen or come beyond the Seas, that then ſuch Perſon or Perſons, who is or ſhall be entitled to any ſuch Suit or Action, ſhall be at liberty to bring the ſaid Actions againſt ſuch Perſon and Perſons after their Return from beyond the Seas, ſo as they take the ſame after their return from beyond the Seas within ſuch times as are reſpectively limitted for the bringing of the ſaid Actions by the laſt mentioned Act; And,

Bail Bonds taken by Sheriffs.

XXIII. Be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall be Arreſted from and after the ſaid Firſt Day of Michaelmas Term, by any Writ, Bill or Proceſs Iſſuing out of any of Her Majeſty's Four Courts at Dublin, at the Suit of any common Perſon, and the Sheriff or other Officer taketh Bail from ſuch Perſon againſt whom ſuch Writ, Bill or Proceſs is taken out, the Sheriff or other Officer at the requeſt and coſt of the Plaintiff, in ſuch Action or Suit, or his lawful Attorney, ſhall aſſign to the Plaintiff in ſuch Action, the Bail, Bond or other Security Taken from ſuch Bail, by Indorſing the ſame and atteſting it under his Hand and Seal, in the Preſence of two or more credible Witneſſes, and if the ſaid Bail, Bond or

Aſſign-

Aſſignment, or other Security taken for Bail be forfeited, the Plaintiff in ſuch Action, after ſuch Aſſignment made, may bring an Action and Suit thereupon in his own Name, and the Court where the Action is brought, may by Rule, or Rules of the ſame Court, give ſuch Relief to the Plaintiff and Defendant in the Original Action, and to the Bail upon the ſaid Bond, or other Security taken from ſuch Bail as is Agreeable to Juſtice and Reaſon, and that ſuch Rule or Rules of the ſaid Court ſhall have the Nature and Effect of a Defeazance to ſuch Bail, Bond, or other Security for Bail: And,

Warranties in Reverſion, or Collateral Warranties, &c.

XXIV. Be it further Enacted by the Authority aforeſaid, That all Warranties which ſhall be made after the Firſt Day of Michaelmas Term by any Tenant for Life of any Lands, Tenements or Hereditaments, the ſame deſcending or coming to any Perſon in Reverſion or Remainder, ſhall be void, and of none effect; and likewiſe all Collateral Warranties which ſhall be made after the ſaid firſt day of Michaelmas Term, of any Lands, Tenements or Hereditaments, by any Anceſtor, who has no Eſtate of Inheritance in Poſſeſſion in the ſame, ſhall be void againſt his Heir: And,

Subpœna's.

XXV. Be it further Enacted by the Authority aforeſaid, That no Subpœna, or any other Proceſs for appearance do Iſſue out of any Court of Equity, till after the Bill is Fiſed with the proper Officer in the Reſpective Courts of Equity, except in Caſes of Bills for Injunctions to quiet Poſſeſſions, to ſtay Waſts, or ſtay Suits at Law Commenced, and a Certificate thereof brought to the proper Officer, who uſually makes out Subpœna's or other Proceſs in the ſeveral Courts of Equity, under the Hand of the Officer reſpectively for each reſpective Court, who uſually Files Bills in Equity, for which Certificate he ſhall receive no Fee. And,

Jeofailes.

XXVI. Be it further Enacted by the Authority aforeſaid, That from and after the ſaid firſt day of Michaelmas Term, This Act, and all the Statutes of Jeofailes ſhall extend to all Suits in any of Her Majeſty's Four Courts at Dublin, for Recovery of any Debt immediately owing, or any Revenue belonging to Her Majeſty, Her Heirs or Succeſſors, and ſhall alſo extend to all Courts of Record in the County Palatine of Tipperary, and to all other Courts of Record within this Kingdom; And for preventing great Vexation from Suing out Defective Writs of Error;

Quaſhing of Writs of Error.

XXVII. Be it Enacted by the Authority aforeſaid, That upon the quaſhing any Writ of Error to be Sued out after the ſaid First Day of Michaelmas Term, for Variance from the Original Record, or other Defect, the Defendants in ſuch Error ſhall Recover againſt the Plaintiff or Plaintiffs iſſuing out ſuch Writs, his Coſts as he ſhould have had, if the Judgment had been affirmed, and to be Recovered in the ſame manner. And,

Actions of Account.

XXVIII. Be it further Enacted by the Authority aforeſaid, That from and after the ſaid First Day of Michaelmas Term, Actions of Account ſhall and may be brought and maintained againſt the Executors and Adminiſtrators of every Guardian, Bailiff and Receiver, and alſo by one Joint Tenant and Tenant in Common, his Executors and Adminiſtrators againſt the other, as Bailiff, for receiving more than comes to his juſt ſhare and proportion, and againſt the Executors and Adminiſtrators of ſuch Joint Tenant or Tenant in Common, and the Auditors appointed by the Court where ſuch Action ſhall

be depending, shall be, and are hereby Impowered to Administer an Oath, and to Examine the Parties touching the Matters in Question, and for their pains and trouble in Auditing and taking such Account have such Allowance as the Court shall adjudge to be reasonable to be paid by the Party on whose side the Ballance of the Account shall appear to be.

CHAP. XI.

An Act for Explaining and Amending Two several Acts against *Tories*, *Robbers*, and *Rapparees*.

FOR the more effectual Suppressing Tories, Robbers, and Rapparees, and for preventing Persons becoming Tories, or resorting to them; Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty Ninth Day of September, in this present Year of our Lord, One thousand seven hundred and seven, all Loose, Idle, Vagrants, and such as pretend to be Irish Gentlemen and will not Work, nor betake themselves to any honest Trade or Livelihood, but wander about, demanding Victuals and Cossering from House to House amongst their Fosterers, Followers and Others, and also loose Persons of Infamous Lives and Characters, shall upon the Presentments of the Grand-Juries, at the Assizes, and at the General Quarter-Sessions of the Peace, of the respective Counties where such Persons keep or frequent, and upon the Warrants from the Justices of Assize, or Justices of the Peace, at their respective Quarter-Sessions be sent to Goal, and there remain without Bail or Mainprize, until they shall be sent on Board Her Majesty's Fleet, or to some of Her Majesty's Plantations in America, whither such Justice, or Justices of the Assize, and Justices of the Peace, at their General Quarter-Sessions respectively, are Authorized to send such Persons, unless they give sufficient Security to be of the good Behaviour.

Persons Robbed to give notice thereof to some Justice of Peace, and in Five Days to the High-Constable

II. And whereas several Persons have made a Trade of obtaining Robbery-Money from the Country, pretending to have been Robbed, whereas they never were Robbed, or were not Robbed of near the Value and Sum they alledge; and so get Money on that account, which they never lost, to be Levyed on the Country; for prevention whereof, Be it further Enacted by the Authority aforesaid, That all Persons pretending to be Robbed, shall not only give Notice thereof, to some Neighbouring Justice of the Peace, as is already provided for by a former Act, but shall likewise on all Robberies, within Five Days after the Fact, give Notice to the High Constable of the Barony where such Robbery shall be alledged to be committed; and in case such Robbery be Committed in the Division of any Two Baronies, then to the High Constables of both the said Baronies, who are hereby respectively required forthwith to publish the same, in all the Market-Towns of the Baronies where such Robberies are said to be Committed.

III. And

III. And whereas the Principal and Chief Inhabitants of each Parish, take upon them, or are Summoned to Applot on the Inhabitants within their respective Parishes, the Money ordered at the Assizes, to be Levyed of the County, for the Re-imbursing the Persons that are Robbed, and do usually lay the whole Burthen on the Poorer Sort, that are least able to bear it, or able to resist or pursue the Tories, and thereby they Pay little or nothing themselves, who ought to be Charged according to their abilities:

Remedy for a Person grieved by a wrong Applotment.

IV. For Remedy whereof, Be it Enacted by the Authority aforesaid, That the Party Grieved, by such Apportionment, may Appeal to the next going Judges of Assize, who upon Examination upon Oath, in open Court, of the Matters complained of, shall Determine the same, and make such Order, and award such Costs thereon as He or They in their Discretion shall think fit; such Costs to be Levyed and Recovered as Costs in Civil Bills are Enacted to be Recovered.

Any Person striving to Evade the Applotment.

V. And in case any of the said Persons shall make Over or Dispose of any of His or Their Substance, in order to evade the Payment of His or Their Proportions, then such Conveyance shall be looked on as Fraudulent; and upon the Complaint of the respective High-Constable, to one or more of the Neighbouring Justices of the Peace shall send His or Their Warrants, for such Person or Persons, and commit them to Goal, there to remain without Bail, until they Pay, or give Security for the Payment of the Money so Applotted on them, subject, nevertheless, to such Appeal as aforesaid.

If any Harbourer, &c. shall Detect any Tories, &c.

VI. And be it further Enacted by the Authority aforesaid, That if any Harbourer of Tories or Robbers, shall Detect any other Two the like Harbourers, so as such Two Harbourers shall be taken and Convicted by his Means, then the said Harbourer so Detecting the other Two, shall be Discharged and Pardoned for all His former Crimes of Harbouring only.

9. Geo. 2. c. 6. p. 655.

VII. And whereas the Papists of this Kingdom do frequently keep private Intelligence with the French, and other Enemies to Her Majesty and Her Kingdoms; by Means whereof several Parts of the Sea-Coasts are Infested and often Insulted by French-Privateers, Chiefly Manned by Irish Papists, who have Robbed several of Her Majesty's faithful Subjects, of all their Substance, by the Contrivance and Encouragement of Other their Popish Friends in this Kingdom.

VIII. For preventing whereof, Be it further Enacted by the Authority aforesaid, That all such Robberies to be committed during this present War; and Losses sustained thereby, by any Person or Persons, shall be Presented at the next General-Assizes for the County where such Robbery shall be committed, by the Grand-Jury of such County, after due Notice given thereof to the High-Constable or Constables of the Towns or Baronies, according to the Direction in this Act concerning other Robberies; and after such Presentment made, such Order shall be made at such Assizes, for the Relief of such Persons so Robbed as aforesaid, and for re-imbursing them such Losses, as they shall respectively sustain thereby; and for Applotting and Levying the same, on the Lands, Tenements and Hereditaments, Goods and Chattels, of all the Popish Inhabitants of the County where such Robbery

ſhall be Committed, in the ſame manner as Money is to be Levyed for Robberies by Papiſts, by the aforeſaid Act, Intituled, An Act for the Suppreſſing Tories, Robbers and Rapparees.

Robberies committed to be preſented at the next Aſſizes, except too near.

IX. And be it further Enacted and Declared, That every Preſentment for any Robbery to be hereafter made, by virtue of this or the ſaid former Act, ſhall be at the next Aſſizes, after ſuch Robbery Committed, and not at any other Aſſizes afterwards, unleſs ſuch Robbery ſhall be Committed ſo near to the time of holding ſuch Aſſizes, that no due Notice can be given of ſuch Robbery before the Firſt Day of ſuch next Aſſizes, according to the Direction of this and the ſaid former Acts, in which Caſe it ſhall and may be lawful for the Perſon Robbed, to prefer his Petition and to obtain ſuch Preſentment at the next Aſſizes, after ſuch due Notice ſhall be given as aforeſaid, this Act to continue for Seven Years, from the End of this preſent Parliament, and from thence, to the End of the next Seſſion of Parliament, after the Expiration of the ſaid Seven Years, and no longer.

CHAP. XII.

An Act for the Continuing and Perpetuating of divers Laws and Statutes heretofore Temporary; and for Amending of the Law, in Relation to Butter-Casks.

WHEREAS ſeveral Acts and Statutes made and Enacted in this Parliament begun at Dublin, the Twenty Firſt Day of September, in the Year of our Lord, One thouſand ſeven hundred and three, in the Second Year of the Reign of our moſt Gracious Sovereign Lady Queen Anne, and from thence continued, by ſeveral Adjournments and Prorogations, to the Tenth Day of February, One thouſand ſeven hundred and four, being the Second Seſſion of this preſent Parliament, were only Temporary Laws, which by Experience are found to be good and profitable Laws for this Kingdom, and fit to be continued and made perpetual.

II. Be it therefore Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That one Act Intituled, An Act for Leſſening the Duty on Rape-ſeed to be Exported: And alſo one other Act Intituled, An Act to Regulate the Taking and Exacting Tolls throughout this Kingdom, and to prevent the Engroſſing of Coals in the City of *Dublin*: And alſo one other Act Intituled, An Act againſt Horſe Stealing, and to prevent the Buying and Selling of ſtolen Horſes, and for puniſhing all Acceſſaries to Felons: And alſo one other Act Intituled, An Act for Regulating the Weights uſed in this Kingdom; and that Salt and Meal ſhall be ſold by Weight; and all Clauſes, Proviſions and Articles, in them and every of them contained, ſhall continue and endure in Force for ever.

Duties of Rape-ſeed Tolls and Engroſſing Coals. Horſe Stealing. For Puniſhing Tories and Felons. Weighing Salt and Meal.

III. And whereas by an Act Intituled, An Act for Reforming Abuſes in making of Butter-Casks and preventing of Falſe Packing of Butter: Amongſt divers other things in the ſaid Act Enacted, the

Butter Casks and falſe Packing of Butter.

the Tare of all Casks for Butter is ascertained; notwithstanding which, many undue Practices are used and Abuses committed, in relation to the Tare of Butter-Casks, to the manifest Discouragement of those who deal therein: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of May, which shall be in the Year of our Lord, One thousand seven hundred and eight, no Person or Persons, whatsoever, shall Sell or expose to Sale any Cask of Butter, whereon the Tare of such Cask shall not be fairly Cut, or Impressed with a Marking-Iron, on the side of such Cask, at which Tare the Merchant or Buyer thereof, shall be obliged to take the same, unless such Buyer, shall at the time of the Sale in the presence of the Seller, object against the said Tare, in which Case, it shall and may be lawful to and for the Buyer, to strip any one or more of such Cask or Casks, as he shall suspect to be above the Tare so marked; which Stripping shall be at the proper Costs and Charges of the Buyer thereof; and if after Stripping of such Cask or Casks, they or any of them shall be found to have more than One Pound and a Half in the Half Hundred Cask, or more than Three Pounds in the greater Casks, of what Tare is Marked on the Sides of the respective Casks so Stripped as aforesaid, the Butter which was contained in the said deceitful Casks, shall in such Cases be Forfeited to the Buyer thereof, due Proof thereof being first made before the next Justice of the Peace, of the County, or County of the City or Town, where the said Butter was exposed to sale, by the Oath or Oaths of one or more credible witness or witnesses, other than the Party or Parties concerned in the buying of the said Butter, which Oath the said Justice is hereby Impowered to Administer, and finally to Hear and Determine accordingly: And if any Buyer shall refuse to accept the Tare of the Cask Marked as aforesaid directed and appointed, or for his own Lucre and Gain shall in a sinister Manner, endeavour to oblige the Person who Exposes the said Butter to Sale, to allow any greater Tare than what is Marked on the said Cask, except it be in such Cases aforesaid, where the Cask shall be stripped as aforesaid and the Butter Forfeited according to the Tenor of this Act, such Buyer or Buyers being thereof Convict before the next Justice of the Peace, of the County, City or Town, where such Butter shall be exposed to Sale, by the Oath or Oaths of one or more Credible Witness or Witnesses, other than the Party or Parties concerned in the sale of such Butter, which Oath or Oaths, the said Justice of Peace is hereby Impowered to Administer, such Buyer or Buyers so refusing, shall, for each Offence, Forfeit to the Seller, or Person exposing the same to Sale, the Sum of Five Pounds, to be Levyed by Distress and Sale of the Goods of the Party offending, by the Warrant of such Justice before whom the Party was Convicted, over and above the Price of the Butter, which the said Buyer shall cause to be Stripped; both which Sums of Money the Justice of the Peace, aforesaid, before whom the Conviction aforesaid was, is hereby enabled and required to Cause to be forthwith Levyed by

Lawful to strip Cask suspected to be Marked above the Tare.

in what Case Forfeited.

in what Case Forfeiture of Five Pound.

Diſtreſs and Sale of the Goods of the Offender, by Warrant under his Hand and Seal, unleſs the Party or Parties, Offending, ſhall Pay, or cauſe the ſame to be Paid to the Party Aggrieved, without Fraud or Delay.

CHAP. XIII.

An Act to Impower Juſtices of the Peace to Determine Diſputes about Servants Wages; and to Oblige Maſters to Pay the ſame; and to Puniſh Idle and Diſorderly Servants. *Expired.*

CHAP. XIV.

An Act to prevent the Diſorders that may Happen by the Marching of Soldiers, and for Providing Carriages for the Baggage of Soldiers in their March.

WHEREAS Great Diſorders and Abuſes have been committed by Soldiers in their Marches through this Kingdom, to the Damage of divers of Her Majeſty's Subjects; For Remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of November, One thouſand ſeven hundred and ſeven, no Detachment of Soldiers above fifteen in Number, ſhall March through any Part of this Kingdom, without one Commiſſioned Officer at leaſt; which ſaid Officer, ſhall under Pain of Forfeiting his Commiſſion, conſtantly March with the ſaid Soldiers or Troops, and keep them together and intire, and ſhall be Anſwerable for all Treſpaſſes and Offences which the Soldiers under his Command, or any of them, ſhall reſpectively commit in their Marches, and ſhall give Satisfaction for the ſame in manner as hereafter is mentioned; (That is to ſay) If any ſuch Soldier or Soldiers, Trooper or Tropers during their March, ſhall commit any Treſpaſs or other Offence, to the Damage of any of Her Majeſty's Subjects, That then, and in ſuch Caſe, the Officer Commanding ſuch Soldier or Trooper, upon Complaint of the Party injured, or of any other on his behalf, is hereby Required to cauſe immediate Reparation or Reſtitution to be made to ſuch Perſon or Perſons who ſhall make Complaint, or on whoſe behalf Complaint ſhall be made to ſuch Officer, of any Treſpaſs or other Injury done to him or them, by any Soldier or Trooper under the Command of ſuch Officer as aforeſaid; And in Default thereof, the Party injured, or ſome other on his behalf, is hereby Impowered to Repair to the next Juſtice of the Peace for the County, or to the Mayor, Sovereign, or other Chief Magiſtrate of the City, Borough, or

No Detachment to march above Fifteen in number without a Commiſſion Officer, &c.

Immediate reparation to be made for any damages, &c.

If not to Repair to the next Juſtice, &c.

or Town Corporate where such Offence shall be committed, and by Oath of the Party injured, or of any other credible Person, to prove, and make Appear before such Justice of the Peace, Mayor, Sovereign, or other Chief Magistrate, the Particulars of the Damage done to such Person or Persons by any such Soldier or Trooper, whereupon the said Justice of the Peace, Mayor, Sovereign, or other Chief Magistrate, is hereby Required to Ascertain the Damage Sustained by the Party Complaining, by Certificate under his Hand and Seal; For which no Fee or Reward is to be paid or taken: And in case such Officer or Officers, upon producing and tendring to him such Certificate, do not Pay such Damage so Certified, within Six Hours, to the Party Complaining, or Producing such Certificate, every such Officer shall Forfeit the Sum of Five Pounds, to be Paid by the Paymaster-General, or his Deputy for the Time being, without Delay, Fee, or Reward, to the Party Producing such Certificate, and the said Penalty or Forfeiture is by the said Paymaster-General to be deducted out of the Pay of such Officer so Offending. And, be it further Enacted by the Authority aforesaid, That no Detachment of Soldiers under Fifteen in Number, shall March through any Part of this Kingdom without a Serjeant or Corporal, which said Serjeant or Corporal is constantly to March with such Detachment, and keep them intire, under Pain of being Cashiered, or of Suffering Corporal Punishment, at the Election of the Officer Commanding such Detachment: And in Case any such Soldier or Trooper shall in their said March Commit any Trespass or other Offence, to the Damage of any of Her Majesty's Subjects, upon Complaint thereof to such Serjeant or Corporal, immediate Restitution or Reparation shall be made to the Party Complaining, by such Serjeant or Corporal; and in Default thereof, the Party injured is hereby Impowered to prove his Damage, and to procure a Certificate thereof in Manner before-mentioned; and upon producing such Certificate to the Officer to whose Company or Troop such Soldier or Trooper shall belong, such Officer is hereby Required immediately to Pay the Sum certified, not exceeding forty Shillings, to the Party Complaining or Producing such Certificate, of which Sum so Paid, The said Officer is to Deduct one Moiety out of the Pay of the Serjeant or Corporal that Marched with such Detachment, and the other Moiety out of the Pay of the Soldier or Soldiers committing such Trespass; but in case such Officer shall neglect to Pay the Sum Certified as aforesaid, within Twelve Hours after Producing to him such Certificate, such Officer for every such Neglect and Refusal, shall Forfeit the Sum of Five Pounds, to be Paid and Stopped in manner as is above-mentioned. And whereas many Inconveniencies happen by the irregular Taking and Pressing of Carriages for conveying of Baggage belonging to Soldiers on their March through this Kingdom: For Remedy whereof; Be it Enacted, That upon the March of any Regiment, Troop, or Company, or Detachment, the Quartermaster, Agent, or some other Officer belonging to the same, shall Produce the Orders of the Chief Governor, or Governors of this Kingdom, or a true Copy thereof Signed by the Commanding Officer of such Regiment or Detachment, to some one Justice of the Peace, or to the Mayor, or other

The Chief Magistrate to ascertain what damage is done by the Soldier, by Certificate.

The damage to be paid by the Officer in Six Hours, Penalty of Five Pounds.

None under Fifteen to March without a Serjeant or Corporal.

Immediate restoration or reparation.

One part out of the Serjeant or Corporal, and the other out of the Soldiers.

On neglect or refusal, the Officer to forfeit Five Pounds.

Concerning Carriages.

ther Chief Magistrate of the Place where such Carriages are to be provided; which Justice, Mayor, or other Chief Magistrate, shall upon Sight of such Orders, or of a true Copy thereof so Signed as is aforesaid, Issue out his or their Warrants to the Constables within their respective Districts, or to the Constable or Constables within their respective Districts, or to the Constable or Constables of the next Adjacent Barony, Hundred, or District, requiring them within twelve Hours at farthest, to Provide a sufficient Number of Carriages, so as the same does not exceed three Wheel-Cars, or six Slide-Cars for each Troop or Company, and upon Receipt of such Warrant, such Constable and Constables are hereby Impowered and Required to make Provision of such Cars and Horses within his and their respective Districts or Parishes within the Time aforesaid, and to procure and get the same in Readiness. And in Case any Constable or Constables shall neglect his or their Duty herein, such Offender shall forfeit the Sum of Ten Shillings to be Recovered for the Use of the Poor of the Parish, before the Justice of Peace, or Magistrate, who shall Sign such Warrant, the Party Offending being duly Convicted on the Oath of one credible Witness before such Justice of the Peace, or Chief Magistrate. And, Be it further Enacted, That if any Military Officer or Officers, for the Use of whose Troop, Company, or Detachment, such Carriages shall be provided, shall force and constrain the Owner or Driver of any Car or Carriage, to Travel with his Car or Carriage more than one Days March, according to the Rout, or shall not discharge the same within two Hours after they come to the End of such Days March, or shall Suffer any Soldier, or Servant, or any Woman to Ride in any Car or Carriage so provided, or shall Force any Constable or Petty-Constable, by Menace, or otherwise, to provide Saddle-Horses for such Officer or Officers, his or their Servants, or shall take, or cause to be taken by Force any Horse or Horses from the respective Owner or Owners thereof, every such Officer shall for every such Offence forfeit the Sum of Forty Shillings, proof thereof being first made upon Oath before one of Her Majesty's Justices of the Peace for the same County, or before the Chief Magistrate of the Place where such Offence shall be Committed, who are to make Certificate thereof to the Paymaster-General of Her Majesty's Forces in this Kingdom, who is hereby Required upon the Receipt of such Certificate, to pay the aforesaid Sum of Forty Shillings to the Party injured; and the said Paymaster is hereby impowered to Deduct the same out of such Officers Pay. And be it further Enacted, That no such Wheel-Car, or Carriage, shall be Loaden with above Four Hundred Pounds Weight, nor any Slide-Car with above Two Hundred Pounds Weight; and that no Owner of such Carriages shall be compelled to take any Loading, or be forced to proceed in the March with his respective Carriage, till such Time as the Officer, or other Person, who shall Require such Carriage, do Pay down in Hand to the Owner of such Carriage, or his Servant, the Sums herein after mentioned, for every Mile or Reputed Mile they are to March; (that is to say) Two Pence per Mile for every Wheel-Car, and one Peny per Mile for every Slide-Car; which Sum or Sums so to be Advanced, and Paid by such Officer or Officers for such Car

No one to be forced above one Days March.

No Soldier, Servant or Woman to ride on the Carriages, &c.

A Wheel-car not to be Laden with above Four Hundred Weight, a Slide-Car not above Two Hundred.

Sums to be paid in Travelling.

Car as aforesaid, shall be Repaid to such Officer or Officers, by the Paymaster-General, or Vice Treasurer of this Kingdom for the time being, on Oath made by such Officer or Officers before one of Her Majesty's Justices of the Peace, or Chief Magistrate of any City, or Corporate Town, of his or their payment of such sum or sums for Carriages as aforesaid. How to be re-paid.

And, Be it further Enacted, that notice shall be given to the Lord-Mayor of the City of Dublin, at least twenty four hours before the March of any Troops or Companies of Soldiers out of the said City, of the number of the Troops and Companies appointed to march; whereupon the said Lord-Mayor for the time being, shall Summon a proportionable number of Cars out of the Licensed Cars, Brick-Cars, and other Cars within the County of the said City; and so from time to time the said Cars are by turns to be Provided, and Imployed in Carrying the Baggage of such Troops or Companies at the Prices, and under the Regulations herein before mentioned; and it is hereby directed, that no Country Cars or Carriages coming to the Markets of the said City, shall be detained or imployed in carrying such Baggage on any pretence whatsoever. Provided nevertheless, if through the neglect of any Constable, after notice given as aforesaid, to provide Carriages as beforementioned, the Officer Commanding in Chief, for want thereof, shall be necessitated to Halt; that then, and in such case only, It shall and may be lawful to and for the said Officer, to take the Carriages one Days March more, according to the Rout, paying two pence per Mile, as beforementioned; and the Owners of such Carriages, upon complaint made by them, or their Servant, to any Justice of the Peace, or Chief Magistrate next adjoyning to the place where such Carriages were to have been provided, shall receive over and above the two pence per Mile before-mentioned, two pence per Mile to be paid by the Constable who made default in providing Carriages, the said last Sum to be levied immediately after demand and refusal, by Warrant of any Justice of the Peace, or Chief Magistrate of the place, next adjoyning; which said Justice, or Chief Magistrate, is hereby required to grant the same immediately on demand, without Fee or Reward. And, Be it further Enacted, That no Officer, Soldier, or Trooper in Her Majesty's Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard, or Battle-Axes, nor any Officer Commanding the said Yeomen, nor any Servant of any such Officer shall at any time hereafter have, receive, or be allowed any Quarters in any part of this Kingdom, save only during such time or times as he or they shall be on their march as aforesaid, or during such time as he or they shall be and remain in some Sea-Port Town, or other place in the Neighbourhood of a Sea-Port Town, in order to be Transported, or during such time as there shall be any commotion in any part of this Kingdom, by reason of which Emergency, Her Majesty's Army, or any considerable part thereof, shall be Commanded to march from one part of this Kingdom to another: Provided also, that all Officers, Soldiers, Troops and Companies in Her Majesty's Army, that shall at any time before the twenty ninth of September, One thousand seven hundred and eight, march into the City of Dublin, or that now

Notice to be given in *Dublin* to the Mayor twenty four hours before the March.

No Country Cars to be detained.

not above two Pence *per* Mile.

No Quarters save on their March, *&c.*

are in the ſame, may until the ſaid twenty ninth day of September, One thouſand ſeven hundred and eight, and no longer, be provided with neceſſary Quarters in the publick Taverns and Ale-Houſes within the ſaid City and Liberties thereto adjoyning, during the continuance of ſuch Troop or Company in the ſaid City, without incurring any Breach of this preſent Act: And that from and after the ſaid twenty ninth day of September, One thouſand ſeven hundred and eight, the ſaid Officers, Soldiers and Troopers ſhall be lodged in the Barracks which are now Building near the ſaid City, and not in any other part of the ſaid City, Suburbs or Liberties thereto adjoyning; And that from and after the ſaid twenty ninth of September, One thouſand ſeven hundred and eight, no Sheriff, Conſtable, or other Officer or Perſon whatſoever, ſhall preſume to Quarter or Billet any ſuch Officer, or Soldier, or other Perſon whatſoever in the ſaid City, Suburbs, or Liberties thereto adjoyning, under the penalty of forfeiting the Sum of Fifty Pounds to be Recovered in any of Her Majeſty's Courts of Record, by the Perſon or Perſons that will Sue for the ſame. And, Be it further Enacted, That from and after the firſt Day of November, One thouſand ſeven hundred and ſeven, if any Officer or Soldier ſhall without leave of the reſpective Lord or Lords of the Manor, under his or their Hands and Seals firſt had and obtained, take, kill, or deſtroy any Hare, Coney, Partridge, Pheaſant, Pidgeon, or any other ſort of Fowl or Poultry; or if any Officer or Soldier ſhall deſtroy any Fiſh, or Her Majeſty's Game within the Kingdom of Ireland, and ſhall be thereof convicted upon the Oath or Oaths of one or more credible Witneſſes, before any Juſtice or Juſtices of the Peace, who is, and are hereby Impowered and Authorized to Hear and Determine the ſame: Every Officer ſo offending, and being ſo Convicted, ſhall for every ſuch Offence, forfeit the Sum of Five Pounds, to be diſtributed by the ſaid Juſtice or Juſtices of the Peace amongſt the Poor of the place where ſuch Offence ſhall be committed, and every Officer Commanding in Chief upon the place, for every ſuch Offence committed by any Soldier under his Command, and of which ſuch Soldier ſhall be ſo Convicted, ſhall forfeit the Sum of Ten Shillings, to be paid and diſtributed in manner aforeſaid; and if upon ſuch Conviction, and demand made of ſuch reſpective penalties, by the Conſtable, or Overſeer of the Poor of the Pariſh where ſuch Offence ſhall be committed, ſuch Officer ſhall refuſe, or ſhall by the ſpace of ten days neglect to pay the ſaid reſpective Penalties, ſuch Officer ſo refuſing or neglecting, ſhall forfeit and is hereby declared to have forfeited his Commiſſion, and his Commiſſion is hereby declared null and void. Provided always, that no Civil Magiſtrate or Conſtable be obliged to find Quarters for, or give Billets to more, or other Soldiers than thoſe only whoſe true Chriſtian and Sir-Names ſhall be delivered to him in writing, under the Hand of the Officer deſiring Quarters or Billets for ſuch Soldiers at the time ſuch Quarters or Billets are deſired; all which Names ſhall be written together, and delivered in one piece of Paper Signed as is aforeſaid, and the Chriſtian and Sir-Names of every Soldier to be quartered or billetted, together with the name of the Perſon on whom he or they ſhall be billetted

Officers Forfeiture for Killing Hares, Conies, Fowl, Poultry, Fiſh or Game, &c.

to Forfeit Five Pounds.

Soldier Ten Shillings.

The Forfeiture and time if not paid.

letted or quartered, shall be given in writing by the Constable or Civil Officer billetting or quartering such Soldier, and be contained in the Billet given by such Civil Officer.

CHAP. XV.

An Act to Supply the Defects, and for the Better Execution of an Act Entituled, *An Act for the Avoiding of Privy and Secret Outlawries of His Majesty's Subjects in Personal Actions.*

WHEREAS by an Act of Parliament made in this Kingdom in the Reign of King James the First, Entituled, An Act for the Avoiding of Privy and Secret Outlawries of His Majesty's Subjects in Personal Actions;

II. It is amongst other things therein contained, Enacted in these words, (*Viz.*) That from and after the end of the Term next ensuing the end of this present Session of Parliament, in every Action personal, wherein any Writ of *Exigent* shall be Awarded out of any Court, one Writ or Proclamation shall be Awarded, and made out of the same Court, having day of *Teste* and Return, as the said Writ of *Exigent* shall have directed, and delivered of Record unto the Sheriff of the County where the Defendant at the time of the *Exigent* so Awarded, shall be dwelling; which Writ or Proclamation shall contain the effect of the same Action; and that the Sheriff of the County unto whom any such Writ or Proclamation shall be directed, shall make three Proclamations in this form following, and not otherwise, (*that is to say*) One of the said Proclamations in the open Court, and another of the same Proclamations to be made at the General Quarter-Sessions of the Peace in those parts where the party Defendant at the time of the *Exigent* Awarded shall be dwelling, and one other of the said Proclamations to be made one Month at the least before the *Quinto Exactus*, by virtue of the said Writ of *Exigent*, at or near to the most usual door of the Church or Chapel; or in case there be no Church or Chapel, in the Church-yard of that Town or Parish where the Defendant shall be Dwelling at the time of the said *Exigent* so Awarded; and if the Defendant shall be dwelling, out of any Parish, then in such place as aforesaid, of the Parish in the said County, and next adjoining to the place of the Defendants dwelling, and upon a *Sunday*, and that all Outlawries had and pronounced after the end of the Term next ensuing the end of this present Session of Parliament, and no Writ of Proclamation Awarded and Returned according to the form of the Statute, shall be utterly void, and of none effect. And that the Officer in whose Office the said Writs of *Exigents* and Proclamation shall be made, shall take no more for the making of any such Writs of Proclamation, or the Entring of the same of Record, but six pence *Sterl.* And that the Sheriffs for making of the said Proclamation at or near to the Church or Chapel-door, as aforesaid, shall have twelve pence *Sterl.* and no more: Which said Law, though very good and wholsome, hath been very much perverted and abused by the Evil Practice of many Persons carried on, and used contrary to the Tenor of the said Act, and hath not obtained the good Ends intended thereby: For Remedy whereof, and for Prevention of the like Abuses, and Evil Practices for the future, and for a further Supplement to the said Law.

No *Quinto Exactus* to be returned by any Coroner, *&c.*

III. Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this Present Parliament Assembled, and by Authority of the same, That from and after the Twenty eight Day of November, in this present year of our Lord, One thousand seven hundred and seven, no Quinto Exactus shall be Returned by any Coroner in this Kingdom, upon the Exigent in any personal Action, until Affidavit to be made by Two or more Credible Witnesses, it shall and may appear to such Coroner, that such Proclamations, as in and by the said Recited Act are required, are, and have been made. And,

The Affidavit with the *Exigent*, ways to turned.

IV. Be it further Enacted by the Authority aforesaid, That such Affidavit so made, shall, together with the Exigent, be Returned by the Coroner to the Clerk of the Outlawries, there to be Filed, and Remain in his Custody; And that from and after the said Twenty eighth Day of November, One thousand seven hundred and seven, no Clerk of the Outlawries shall Issue, or make out any Capias Utlagatum upon any Exigent so returned, till such Affidavit be first Filed with him as aforesaid, upon pain of Forfeiting to the Party Grieved for every Capias Utlagatum Issued contrary to this Act, the sum of Forty Pounds, to be Recovered by Action of Debt in any of Her Majesty's Courts of Record in Dublin, in which no Essoign, Protection, or Wager of Law shall be Allowed, nor more than one Imparlance. And, for preventing Delays of Sheriffs, in Returning such Writ or Writs of Proclamations as shall be directed and delivered to them.

No Clerk of the Outlawries to make out any *Capias utlagatum.*

Every Sheriff duly to execute Writs of Proclamation, *&c.*

V. Be it further Enacted by the Authority aforesaid, That all and every the Sheriff of any County or City in this Kingdom, to whom any such Writ or Writs of Proclamations from and after the said Twenty eighth Day of November, One thousand seven hundred and seven, be directed and delivered, shall duly Execute the same, and thereof make true Return at the day of the same Writ or Writs appointed, together with such Affidavit as aforesaid, upon pain to forfeit such Fine or Amerciament unto the Queen's Majesty, Her Heirs and Successors, as by the Discretion of the Judges or Justices before whom such Exigent shall be Returned, shall set. And,

Every Declaration Filed after Reversal be for the same Cause or Sum, *&c.*

VI. Be it further Enacted by the Authority aforesaid, That every Declaration or Declarations to be Filed from and after the said Twenty eighth Day of November, One thousand seven hundred and seven, by any Plaintiff in such Outlawry against the Defendant or Defendants therein, after Reversal thereof, and Entring Bail, as by the said Recited Act is prescribed, shall be for the same Cause or Sum contained in such Writ or Writs of Proclamations to be Directed and Delivered as aforesaid, and for no other Cause or Sum, any Law, Custom, or Usage to the contrary in any wise notwithstanding.

No Filing for other Cause or Sum.

VII. And if any Plaintiff or Plaintiffs in such personal Action, his or their Attorney or Attorneys, shall from and after such Reversal as aforesaid, File a Declaration or Declarations against such Defendant or Defendants as aforesaid, for any Cause or Sum, other than what is contained in such Writ of Proclamation as aforesaid, then every such Defendant

Defendant or Defendants ſhall and may Plead this Law, in Bar to every ſuch other Cauſe or Sum contained in ſuch Declaration contrary to this Law. And,

VIII. Be it further Enacted by the Authority aforeſaid, That from and after the Twenty eighth Day of November, One thouſand ſeven hundred and ſeven, where any Bail ſhall be given in Action or Suit in any of the Four Courts in Dublin, That ſuch Bail ſhall not be Anſwerable, or Charged, by reaſon of becoming Bail as aforeſaid, in any other Action or Suit, or for any other matter or cauſe whatſoever, but the Particular Action or Suit, in which ſuch Perſon or Perſons ſhall become Bail, and no other, any Practice or Uſage of any of the ſaid Courts to the contrary thereof notwithſtanding. And, No Bail anſwerable, &c.

IX. Be it further Enacted, That if any Outlawry be had or pronounced from and after the Twenty eighth Day of November, One thouſand ſeven hundred and ſeven, againſt any Perſon or Perſons in any Action perſonal, and no Writ or Proclamation is Awarded and Returned as is aforeſaid; that then every ſuch Outlawry to be utterly void, and of no effect or force in Law: And that all Outlawries had after the ſaid twenty eighth Day of November, One thouſand ſeven hundred and ſeven, contrary to this Act, be Avoided by Averment or Plea, without Suing any Writ of Error.

CHAP. XVI.

An Act for the More effectual Preventing the taking Away and Marrying Children, againſt the Wills of their Parents or Guardians.

WHEREAS by a Statute made in this Kingdom in the Tenth Year of King Charles the Firſt, Intituled, An Act for the Puniſhment of ſuch as ſhall take Away Maidens that be Inheritors; being within the Age of Sixteen Years, or Marry them without the Conſent of their Parents; every Perſon or Perſons above the Age of Fourteen Years, are thereby puniſhed with Fine and Impriſonment, who ſhall take or convey Away, or cauſe to be taken and conveyed Away, any Maid or Woman-Child unmarried, being within the Age of Sixteen Years, out of, or from the Poſſeſſion, Cuſtody or Governance, and againſt the Will of the Father, of ſuch Maid or Woman-Child, or of ſuch Perſon or Perſons to whom the Father, of ſuch Maid or Woman-Child, by his laſt Will, or by any other Act in his Life time hath, or ſhall appoint and order the Education or Governance of ſuch Maid or Woman-Child, and ſhall contract Matrimony with the ſaid Maid or Woman-Child, as by the ſaid Act more at large appeareth; which ſaid Puniſhment is not ſufficient to Deter wicked and covetous Men, from committing ſuch Heinous Offences; but the ſame are daily perpetrated, to the great Diſpleaſure of Almighty God, and the great Heavineſs and Grief of the Relations and Friends, of ſuch Perſons who are ſo unlawfully taken away. A rehearſal of the Act of the 10*th* of K. *Charles* the Firſt.

II. For Reformation whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons,

in this present Parliament Assembled, and by the Authority of the same, That if any Person or Persons, above the Age of Fourteen Years, from and after the First Day of November, One thousand seven hundred and seven, by Fraud, Flattery, fair Promises, or other indirect Means, shall secretly allure, take and convey Away, or cause, or procure to be taken or conveyed Away, any Maid or Woman-Child, having Substance in Lands, Tenements or Goods, or being Heiress to her Ancestor, and within the Age of Eighteen Years, out, of, or from the Possession, Custody or Governance, of the Father or Mother of such Maid or Woman-Child, or out of the Custody or Power, of the Guardian or Guardians, of such Maid or Woman-Child, against the Will of the Father or Mother of such Maid or Woman-Child, or of such Person or Persons who shall then have the Guardianship of such Maid or Woman-Child, or of such other Person or Persons as shall then lawfully have the Order, Keeping, Education or Government, of any such Maid or Woman-Child, and shall contract Matrimony with such Maid or Woman-Child, by and with the Consent of such Maid or Woman-Child, the said Person and Persons, so taking Away, or procuring to be taken Away and Marrying the said Maid or Woman-Child, without the Consent of the Parent or Guardian; and in case there be no Parent or Guardian appointed, then and in such Case, of the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, for the time being, and be thereof lawfully Convicted, shall suffer Imprisonment for the space of three Years, without Bail or Mainprize, and shall be adjudged, and taken to be, for ever Incapable and Disabled to have, receive, or take any manner of Use, Profit or Benefit, whatsoever, in Law or Equity, of all or any Part of the Estate, Real or Personal, to which such Maid or Woman-Child, or any Person or Persons in Trust for such Maid or Woman-Child, at the time of such Marriage, or at any time thereafter are, or shall be Seized of, Interested in, or Intitled unto.

The penalty on any one above 14 Years of Age, to procure or take away any Maid or Woman-Child under the Age of 18. from their Parents or Guardians.

III. And be it further Enacted by the Authority aforesaid, That the Estate, Real or Personal, which such Maid or Woman-Child, or any other Person or Persons in Trust for her, shall be Interested in, or Intitled unto, at the time of such Marriage, or at any time afterwards, shall upon the Conviction of such Person or Persons, so taking Away, and Marrying such Maid or Woman Child, be from the time of such Marriage vested in such Trustees as the said Lord Chancellor, Lord Keeper, or the Commissioners of the Great Seal, shall think fit to Nominate and Appoint; subject, nevertheless, to such Payments, Charges and Demands, as the same was liable to at the time of such Marriage: And upon this further Trust and Confidence that such Trustees, and the Survivor and Survivors of them, shall and may receive the Rents, Issues and Profits, of the said Real and Personal Estate, and manage the same to the best Profit and Advantage, during the Joint-lives of the Person so Marrying. And in case such Woman happen to Survive her said Husband, then to the Intent and Purpose that the said Trustees, and the Survivor of them, shall Pay unto such Woman, out of the Rents, Issues and Profits of the Premisses such Proportion thereof, for and during her natural Life for Her Maintenance, as the Lord Chancellor, Lord Keeper

The Disposal of the Profits during the Joint-life, and after the Death of the Man.

or

or the Lords Commissioners of the Great-Seal shall Direct and Appoint: And also such Sum and Sums of Money for the Maintenance and Education of the Children of such Woman, as shall be Appointed as aforesaid. And upon this further Trust, and to the Intent and Purpose that the said Estate, Real and Personal, and all the Profits and Produce thereof, other than what shall be Disposed of as aforesaid, or in Payment of such Debts as the same was liable to before the said Marriage, and other than what shall be necessarily Expended by the said Trustees, in Execution of the said Trust, shall from or after the Death of such Woman so Married as aforesaid, Descend, Go and Remain to such Person and Persons, as the same would have done, in case this Act had never been made.

In case of a Son's Marrying against Consent before 21.

IV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons, shall at any time after the said First Day of November, One thousand seven hundred and seven, by any subtile Means, or secret Insinuations and Delusions, Threats or Menaces, perswade or procure the Son and Heir Apparent, or other Son of any Person or Persons having Lands, Tenements or Hereditaments, of the yearly Value of Fifty Pounds, or Personal Estate of the Value of Five Hundred Pounds, or shall in manner aforesaid, perswade or procure the Eldest Son, or any other Son of any Person or Persons Deceased to contract Matrimony, without the Privity or Consent of the Parents or Guardians of such Eldest or other Son, and such Matrimony be had as aforesaid, before such Son attain the Age of twenty one Years, every such Person or Persons contracting Matrimony without the Privity and Consent of such Parent or Guardian; and in Case there be no Parent or Guardian appointed, then, and in such Case of the Lord Chancellor, Lord Keeper, or Commissioners of the Great-Seal, for the time being, shall be, and is hereby rendred Incapable, and for ever Disabled to Sue for, Recover or Demand any Dower, Thirds, or any other part of the Real or Personal Estate of such Son or Sons, or Claim or Demand any Jointure, or other Provision out of the real or Personal Estate of such Son or Sons, made to, or in Trust for her, by any Will, Deed or Settlement whatsoever.

Accessaries or Aiders their punishment.

V. And be it further Enacted by the Authority aforesaid, That all Persons who shall be Accessaries, Aiders, Abettors, or Procurers, before the Fact committed, in all and singular the several Offences, herein before mentioned, being lawfully Convicted thereof, shall suffer Three Years Imprisonment.

The penalty for the Clergy-man that Marries them.

VI. And be it further Enacted by the Authority aforesaid, That if any Person shall after the First Day of November, in the Year of our Lord, One thousand seven hundred and seven, Celebrate, or Take upon him to Celebrate, any Marriage of any such Persons, as aforesaid, without such Consent as aforesaid, and be thereof lawfully convicted, every such Person being a Beneficed Clergyman within this Kingdom, shall be immediately from and after such Conviction, ipso facto, deprived of all his Spiritual Livings, and Ecclesiastical Preferments, and the same are hereby Declared to be from thenceforth void, nevertheless, no Lapse shall incur on any such Avoidance, until the end of Six Months, after Notice given to the respective Persons of such Conviction, as aforesaid; and such Clergyman, so Convicted, shall from and after such Conviction, be incapable of any

Spiritual Preferment or Promotion in this Kingdom, or of receiving any Benefit thereby: And every other Person so Offending and Convicted as aforesaid, shall be Transported out of this Kingdom, in such Manner and Form as Persons Exercising Foreign Jurisdiction, and Popish Regulars are by Law appointed to be transported: And if such Person shall after such Transportation return into this Kingdom, he shall suffer all such Pains and Penalties, as Persons Exercising Foreign Jurisdiction, and Popish Regulars Transported; and after Returning into this Kingdom are by the Laws of this Realm subject unto.

If Married by any Popish Priest, his Punishment.

VII. And be it further Enacted by the Authority aforesaid, That if any Popish Priest shall after the First Day of November, One thousand seven hundred and seven, Presume to Celebrate the Marriage of any the Persons aforesaid, contrary to the true Meaning of this Act, or shall Celebrate Matrimony between any Persons knowing that at the time of such Marriage they, or either of them, is of the Protestant Religion, every such Popish Priest so Offending, and being thereof lawfully Convicted, shall be Deemed, Judged and Reputed to be a Popish Regular, and shall Suffer all the Pains, Penalties and Forfeitures of a Popish Regular, any thing contained in an Act, Intituled, An Act for the Registring the Popish Clergy in this Kingdom, to the contrary in any wise notwithstanding.

If taken away against her Consent, Death without Benefit of Clergy.

VIII. And be it further Enacted by the Authority aforesaid, That if any Maid or Woman be Taken or Carried Away by Force, against her Consent, and after be Married or Defiled by such Person or Persons who Carried her away, or by any other Person, by his or their Assent or Procurement, whether such Marriage or Defilement be with, or without, the Consent of such Maid or Woman so Carried away by Force, and against her Will, as aforesaid, every such Person so Marrying or Defiling such Maid or Woman, and the Aiders and Procurers of such Forcible Taking away of such Maid or Woman; and all as well Principals as Accessaries, before such Fact Committed, shall lose the Benefit of Clergy, and shall be Deemed and Adjudged to be Felons; and shall Suffer pains of Death, without Benefit of Clergy; any former Law to the contrary thereof notwithstanding.

The Accessaries, their Punishment.

IX. And if any Person or Persons being Principal or Accessary, before such Offences committed as aforesaid, shall be Indicted and Arraigned for the Taking away of any such Maid or Woman by Force, against her Consent, and Marrying or Defiling such Maid or Woman as aforesaid; and upon his or their respective Trials shall Stand Mute, or make no direct Answer or Challenge Peremptorily above the Number of Twenty, he, or they, in every such Case, shall Suffer the Pains of Death, without the Benefit of the Clergy.

The Case of *John ô Bryan* and *Margaret Mac Namara.*

X. And whereas John ô Bryan, who was bred a Papist, and is a Person of no Fortune, hath Forceably taken away Margaret Mac Namara, an Infant, of the Age of Thirteen Years, out of the Possession and Custody of her Mother Margaret Mac Namara, with Intent to Force the said Minor to Marry him, the said John ô Bryan, and to that End hath by Force detained the said Minor for some Months past in his Custody.

XI. Be

XI. Be it further Enacted by the Authority aforesaid, That if the said Margaret Mac Namara, Junior, hath since the Eighteenth Day of April, in the Year of our Lord, One thousand seven hundred and seven, (on which Day she was Forced away, as aforesaid) Inter-Married with the said John ô Bryan, in such Manner that the said Marriage may not be Dissolved or Declared Void by the Ecclesiastical Laws of this Kingdom; then the Fortune to which the said Margaret Mac Namara Junior, was Intitled, before such Marriage, by her Father's Will, or otherwise, being upwards of Two thousand Pounds Sterl. shall be, and is hereby Vested in the said Margaret Mac Namara the Mother, and Simon Purdon, Esquire, who were Appointed Guardians of the said Minor by her said Father's Will, upon the following Trusts, (that is to say) That they the said Margaret Mac Namara the Mother, and Simon Purdon, and the Survivor of them, and the Executors and Administrators of such Survivor, shall out of the Annual Interest, or Produce of the said Fortune pay for and towards the Separate Provision and Maintenance of the said Margaret Mac Namara Junior, the Annual Sum of Fifty Pounds, Sterl. to be Received by her, to and for her own Separate Use, and to be Disposed of by any Direction under her Hand, without the Intermeddling of the said John ô Bryan, during the Joint-lives of the said John ô Bryan and Margaret Mac Namara Junior: And in Case the said Margaret Mac Namara Junior, shall out-live the said John ô Bryan, then in Trust, and to the Intent that the said Margaret shall Receive the full Use and Produce of the said Fortune during her natural Life, as well what shall become due above the said Sum of Fifty Pounds per Annum, appointed for her Separate Maintenance during the Joint-lives of the said John ô Bryan and Margaret Mac Namara, Junior, as what shall become due after his Death, in Case she Survive him, and after her Death, in Trust as well the said principal Sum as the Interest thereof, to and for the Use of such Child or Children, being Protestants, as shall be begotten on the Body of the said Margaret Mac Namara, Junior, by the said John ô Bryan, or any other Husband she shall happen to Marry; but if the said Margaret Mac Namara, Junior, shall Dye in the Life time of the said John ô Bryan, leaving one or more Child or Children, begotten on her Body by the said John ô Bryan, then in Trust and to the Use of such Child or Children if they be bred Protestants: But if the said Margaret Mac Namara, Junior, happen to Dye in the Life time of the said John ô Bryan, leaving no Child or Children by him begotten on her Body, or if such Child or Children shall not be bred Protestants, or if all such Children shall Dye before their Ages of One and Twenty Years, and Unmarried, then in Trust and to the Use of the said Margaret Mac Namara, Senior, her Executors, Administrators or Assigns.

CHAP. XVII.

An Act for Suppreſſing Lotteries and Gaming-Tables.

The Preamble.

WHEREAS an Act Paſſed in this Kingdom, in the Tenth Year of His late Majeſty King William, of Glorious Memory, againſt Deceitful, Diſorderly and Exceſſive Gaming; which Law has not had the Intended Good Effect; and ſeveral evil diſpoſed Perſons, for divers Years laſt paſt, have Set up many miſchievous and unlawful Games, called Lotteries, and have thereby moſt unjuſtly and fraudulently got to themſelves great Sums of Money, from the Children and Servants of ſeveral Gentlemen, Merchants and Traders, and from other unwary Perſons; and likewiſe other evil Diſpoſed Perſons do keep publick and open Gaming-Tables, where Young Gentlemen, and other unwary Perſons, Play at Dice and Cards for great Sums of Money, to the Corruption of Youth, the utter Ruin and Impoveriſhment of many Families, and to the Reproach of the Laws and Government of this Realm.

All Gaming-Tables and Lotteries except the Groom-Porters, to be Nuſances.

II. For Remedy whereof, Be it Declared and Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all Publick Lotteries and Gaming-Tables, and all other Lotteries and Gaming-Tables, that ſhall be kept in any Publick Houſes in any City, Town Corporate, or Place, within this Kingdom (other than the Groom-Porter's Table, to be Kept within the Walls of Her Majeſty's Caſtle of Dublin, or other Houſe, in which the Chief Governor or Governors, for the Time being, ſhall Reſide; during the Time ſuch Chief Governor or Governors ſhall actually reſide therein, and no longer) are, and ſhall be Deemed, Taken and Adjudged, to be common and Publick Nuſances: And that all Grants, Patents, and Licences for ſuch Lotteries and Gaming-Tables, are Void and againſt Law, and ſhall be ſo Deemed, Taken and Adjudged.

The Groom-Porter to be in the Caſtle or ſuch other Houſe where the Chief Governor ſhall reſide.

III. And be it further Enacted by the Authority aforeſaid, That from and after the Firſt Day of November, which ſhall be in the Year of our Lord God, One thouſand ſeven hundred and ſeven, No Perſon or Perſons whatſoever, ſhall Publickly Exerciſe, Keep Open, Shew or Expoſe, to be Played at, Drawn at, or Thrown at, or ſhall Publickly Draw, Play, or Throw at, any Lottery, or Game of Fortune, either by or with Dice, Lotts, Cards, Balls, or any other Numbers or Figures, whatſoever; and that no Perſon or Perſons, whatſoever, ſhall publickly Exerciſe, Keep open, Shew or Expoſe any Gaming-Table or Tables, Device or Place, where any Perſon or Perſons ſhall Play at Dice or Cards for Money or Goods, or ſhall Bett or Lay any Wager or Wagers on the Sides or Hands of ſuch who Play only for Sport and Paſtime: And that if any Perſon or Perſons, ſhall after the ſaid Firſt Day of November, Exerciſe, Expoſe Open or Shew, to be Plaid, Thrown or Drawn at, any Lottery, Play or Device, or ſhall publickly Exerciſe, Keep

The Forfeiture for keeping Lotteries, &c.

keep Open, Shew or Expose, any Gaming-Table or Tables, Device or Place, where any Person or Persons shall Play at Dice or Cards, for Money or Goods, or shall Bett or Lay any Wager or Wagers on the Sides or Hands of such who Play for any Money or Wager, or only for Sport and Pastime, every such Person or Persons shall Forfeit such Sum of Money, for every such Offence, as any Two Justices of the Peace, or Chief Magistrate of any City, or Town Corporate (where the Offence shall be committed) shall Adjudge fit and reasonable, upon Proof of the Matter before him, upon the Oaths of Two Credible Witnesses, so as that such Sum, for any such Offence, doth not exceed the Sum of Forty Shillings Sterl. which Justices of the Peace, or Chief Magistrate is hereby Impowered and Required, to Summon the Party Complained of, and to Hear and Determine such Offences; and by Warrant under his Hand and Seal, to cause the said Money to be Levyed by Distress and Sale of the Goods of the Person or Persons so Offending; a Moiety of the said Money and Penalty, to be to the Use of the Party who shall Inform the said Justices of the Peace, or Chief Magistrate, of the said Offence; and the other Moiety to the Use of the Poor of the Parish, where such Offence shall be committed: And if no sufficient Distress can be found, the Party or Parties Offending, shall by Order of the said Justices of the Peace or Chief Magistrate, be publickly Whipt on some Market-Day, in the open Market of the said City, Town Corporate, or next Chief Town of the County where the Offence shall be committed.

The Forfeiture for Laying Wagers.

IV. Provided, that every Information, concerning Offences mentioned in this Act, be within Ten Days after the Offence committed, and the Prosecution and Warrant for Levying such Penalties as aforesaid, be had thereon, within one Month after such Warrant had.

Information within Ten Days, &c. Prosecution in a Month.

CHAP. XVIII.

An Act for Encouraging the Exportation of Corn.

FORASMUCH as it hath been found by Experience, that the Exportation of Corn and Grain into Foreign Parts, when the Price thereof is at a Low Rate in this Kingdom, hath been a great Advantage (not only to the Owners of Land, but) to the Trade of this Kingdom in General, May it please Your Majesty that it may be Enacted.

II. And be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament Assembled, and by the Authority of the same, That when Malt, Bear, or Barly, is, or shall be, at Ten Shillings per Quarter, or under, containing Eight Bushels; Rye at Nine Shillings per Quarter, or under, containing Eight Bushels; and Wheat at Fourteen Shillings per Quarter,

What Price Corn may be Exported.

Quarter, or under, containing Eight Bushels, in any Port of this Kingdom; every Merchant, or other Person, who shall put on Shipboard in British or Irish Shipping (the Master and two Thirds of his Mariners at least, being Her Majesty's Subjects) any sort of the aforesaid Corn, from any such Ports, where the Rates shall not then be higher than as aforesaid, with intent to Export the said Corn to Parts beyond the Seas; every such Merchant, or other Persons, shall bring a Certificate in Writing, under his Hand or their Hands, containing the Quantity and Quality of Corn so Shipped, to the Farmers, Commissioners, Collectors, or other Persons appointed, or to be appointed, for the time being, to Collect the Duties and Rates arising by Customs within any such Port; and upon Proof made of any such Certificate, by one or more Credible Person or Persons upon their Oaths; which Oath the said Commissioners, or other Persons, are hereby Authorized and Required to Administer; and upon Bond given by every such Merchant or other Person, in the Sum of Two hundred Pounds, at least, for every Hundred Tuns of Corn, so Shipped; and so proportionably, that the said Corn (danger of the Seas excepted) shall be Exported into Parts beyond the Seas, and not be again landed in the Kingdom of Ireland, every such Merchant so Shipping of any of the aforesaid Corn, and giving Certificate and Bond, as aforesaid, shall have and receive from such Farmers, Commissioners, Collectors, or other Persons, in any Port respectively, where the said Corn shall be so Shipped; for every Quarter, containing Eight Bushels, of Bear, Barly or Malt, ground or unground, one Shilling; for every Quarter of Rye, one Shilling, ground or unground; for every Quarter of Wheat, ground or unground, one Shilling and Six Pence; which Sum or Sums every such Commissioner, Farmer or other Person, are hereby Authorized and Required, upon demand by such Exporter, to make present payment of accordingly, without taking or requiring any thing for Custom; or any Fee or Reward for Corn so laden to be Exported, or for so much Grain as shall be Exported in any Ship, wherein any other Goods shall be Shipped, any Law, Statute or Usage, in any wise to the contrary notwithstanding; and upon Certificate returned under the Common-Seal of the Chief Magistrate, in any place or places beyond Seas, or under the Hands and Seals of two known Merchants upon the place, that such Corn was there landed, or upon Proof by credible Witnesses that such Corn was taken by Enemies or perished in the Seas, the Examination and Proof thereof being left to the Judgment of such Commissioners, Farmers, Collectors, or other Persons; which Proof being made, a Certificate delivered to such Person or Persons, respectively, as took Bonds as aforesaid, the said Bonds shall be delivered up to such Exporter, or his Order to be Cancelled, without any Fee for the same; and the Monies by any such Commissioners, Farmers, Collectors or other Person, so paid in Obedience to this Act, shall be accepted of in his or their Accompts, as so much paid to Her Majesty; and he and they is, are, and shall be Discharged thereof, accordingly.

The Master and Two Thirds of the Mariners at least to be Her Majesty's Subjects.

What Certificates and Bonds to be given on Transportation.

The drawback on Corn Exported.

No Fees to be paid for Corn Exported.

What Certificates to be produced for taking up their Bonds.

CHAP

CHAP. XIX.

An Act for Settling and Preſerving a Publick Library for ever; in the Houſe (for that purpoſe) Built by His Grace *Narciſſus*, now Lord Arch-Biſhop of *Armagh*, on part of the Ground belonging to the Arch-Biſhop of *Dublin*'s Palace, near to the City of *Dublin*.

WHEREAS the moſt Reverend Father in God Narciſſus, Lord Arch-Biſhop of Armagh, Primate and Metropolitan of all Ireland, in the time that he was Arch-Biſhop of Dublin, did out of his generous Inclinations (to the publick Good of this Kingdom, for the Propagation of the true Chriſtian Religion, as by Law Eſtabliſhed; and for the Encouragement of Learning, at his own great Coſts and Charges) Erect and Build a fair large Houſe upon part of the Garden or Ground, belonging to the Houſe of Saint Sepulchers, which is the ancient Seat or Palace of the Arch-Biſhops of Dublin, near to the City of Dublin: And has alſo by the Conſent of his Grace William, Lord Arch-Biſhop of Dublin, Fitted, Prepared, Deſigned and Appointed, the ſecond Story, or Floor of the ſaid Houſe, for a Publick Library for ever; for the Uſe of all Perſons who ſhall reſort thereto, at the Hours appointed for the Library-Keeper's Attendance; and ſhall Conform themſelves to the Rules, Orders and Directions, of the Governors thereof, for the time being. And has alſo provided all things convenient for the better Order, Uſe and Standing, of the Books therein, intended to be kept: And hath likewiſe fitted and prepared the Ground-Rooms of the ſaid Houſe, for the Accommodation of the Reverend Mr. Elias Bohereau, the preſent Library-Keeper, and his Succeſſors, Keepers of the ſaid Library for ever. And hath alſo laid out a piece of Ground for a Court or Garden to the ſaid Houſe; and another piece of Ground for the Enlargement of the ſaid Houſe, and making a convenient Paſſage thereinto, for the Lord Arch-Biſhop of Dublin, from his ſaid Palace, when it ſhall be thought fit ſo to do. And to avoid any Inconveniences that might attend the Arch-Biſhops of Dublin, by means of a Publick Paſſage through their ſaid Palace, hath made a convenient Way or Paſſage to the ſaid Houſe, from Saint Patrick's Cloſe, with the Conſent of the Dean and Chapter of the Cathedral-Church of St. Patrick's Dublin, and has Incloſed the ſame with a Stone-wall, and placed a Gate at the Entrance thereof; the ſaid Way or Paſſage, containing Eighty Four Foot in Length, and Nine Foot Six Inches in Breadth, the ſaid Ground whereon the ſaid Houſe is Built, together with that which is laid out for making an Addition to the ſaid Houſe, and for a Court or Garden thereto, containing Twenty Perches and one One Hundred Sixteen Foot, Plantation Meaſure, be the ſame more or leſs; Bounded on the North by a Parcel of Ground belonging to the Treaſurer of Saint Patrick's Dublin, Ninety Nine Feet and Six Inches; On the Eaſt, by a Garden belonging to the Arch-Biſhop of

Dublin's Palace, Fifty Four Feet, and by part of the ſaid Palace Fifty Feet and Six Inches; on the South by the Back-way or Paſſage leading to the Arch-Biſhop of Dublin's Palace, Sixty One Feet Six Inches, and by part of the ſaid Palace, Thirty Five Feet; And on the Weſt by the Church-Yard of St. Patrick's Dublin, and by part of the Paſſage to the ſaid Library from St. Patrick's-Cloſe, being together One Hundred and Two Feet.

II. And whereas the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, hath alſo Bought that very valuable Collection of Choice and Excellent Books, which was made by the learned Doctor Edward Stillingfleet, late Lord Biſhop of Worceſter, deceaſed, containing Two Thouſand Five hundred Seventy and Four Books, in Folio, or thereabouts; Six Thouſand Nine Hundred, Thirty and Eight in Quarto, Octavo, and leſſer Volumes, beſides many Pamphlets: And hath provided Iron-Chains, Rods and Claſps, for the better Preſervation of the larger Books; and cloſe Lattices, with Locks, for the ſafe keeping of the Books of the ſmaller Size; All which ſaid Books, together with the ſaid Rods, Claſps, Lattices and Locks, are Declared by the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, from and immediately after Paſſing this preſent Act, to be by him Beſtowed on the Publick, and deſigned to be lodged in the ſaid Rooms, by him built, prepared and deſigned, for a Publick Library.

III. And whereas the ſaid Elias Bohereau, in conſideration of his being made Keeper of the ſaid Library, hath lodged a conſiderable Number of Books in the ſaid Houſe, built by the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, (viz.) Three hundred Seventy and Three Volumes in Folio, Three Hundred Eighty and Three in Quarto, One Thouſand Three Hundred and Twenty Two in ſmaller Volumes, beſides ſome Unbound Books; to the intent that the ſame ſhall from the time of the Paſſing this Act, for ever remain and be kept in the ſaid Library, as his Gift; and as an Addition to the ſaid Library or Collection of Books ſo Bought and Given by the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, for the ſame Uſe and Purpoſe, and no other.

IV. Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in Parliament Aſſembled, at the humble Suit of the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, William Lord Arch-Biſhop of Dublin, the Dean and Chapter of St. Patrick's, Dublin, and the ſaid Mr. Elias Bohereau; That the Houſe before mentioned to be built by the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, the Ground on which it ſtands, the Garden or Court thereto belonging, and the other parcel of Ground, herein before mentioned, to be laid out for the Inlargement of the ſaid Houſe, and for a Way thereto from the Arch-Biſhop of Dublin's ſaid Palace, and the ſaid Ground laid out for a Way to the ſaid Houſe, from St. Patrick's-Cloſe. And alſo all and every the before mentioned Books, Chains, Rods, Claſps, Locks and Keys; and alſo all the Claſſes, Shelves Deſks, Tables, and all other Appurtenances to the ſaid Houſe and Library belonging, ſhall be, and are hereby actually Settled and Veſted in the ſaid Arch-Biſhop of Armagh, for the time being; the Lord Chancellor of Ireland, for the time being; the Lord Arch-Biſhop of Dublin, for the time being; the Lord Chief

Chief Justice of Her Majesty's Court of Chief-Place in Ireland, for the time being; the Lord Chief Justice of Her Majesty's Court of Common-Pleas in Ireland, for the time being; the Lord Chief Baron of Her Majesty's Court of Exchequer in Ireland, for the time being; the Dean of the Cathedral Church of the Holy Trinity, Dublin, for the time being; the Dean of the Cathedral Church of St. Patrick's, Dublin, for the time being; and the Provost of Trinity-College, near Dublin, for the time being, and their Successors for ever; in Trust, and to, and for, the respective Uses, Intents and Purposes, in this Act before mentioned, to be intended concerning the same respectively. And that the same shall remain, continue and be, in the said Trustees and their Successors, for ever Unalienable; and without their being capable of Forfeiting, Selling, or otherwise Disposing of the same, otherwise than as in this Act is hereafter mentioned: And also Freed, and for ever Discharged, of and from all Judgments, Statutes, Executions Extents, Elegits; and of and from all other Incumbrances of what Kind or Nature soever: And also of and from all Right, Title, Interest, Claim or Demand, of him the said Narcissus, Lord Arch-Bishop of Armagh, his Executors or Administrators; and of the said William, Lord Arch-Bishop of Dublin, and his Successors; and the said Dean and Chapter of St. Patrick's, Dublin, and their Successors for ever; and of the said Mr. Bohereau, his Executors or Administrators: And also Freed, and for ever Discharged, of, and from, all manner of Taxes; and of, and from, all Chimney-Money, Hearth-Money and Lamp-Money; and of, and from, all manner of Taxes or Charges, hereafter to be Imposed by Act of Parliament, unless the same shall be Charged expressly, and by Name, in and by such future Act or Acts of Parliament, any Law, Usage or Custom, to the contrary thereof, in any wise notwithstanding.

V. And for the better Preservation of all the said Books, and of the said House and Library, with their and every of their Appurtenances; and for making the said Library more useful to the Publick, Be it further Enacted, That the Lord Arch-Bishop of Armagh, for the time being; the Lord Chancellor of Ireland, for the time being; the Lord Arch-Bishop of Dublin, for the time being; the Lord Chief Justice of Her Majesty's Court of Chief-Place, in Ireland, for the time being; the Lord Chief Justice of Her Majesty's Court of Common Pleas, in Ireland, for the time being; the Lord Chief Baron of Her Majesty's Court of Exchequer, in Ireland, for the time being; the Dean of the Cathedral Church of the Holy Trinity, Dublin, for the time being; the Dean of the Cathedral Church of St. Patrick's, Dublin, for the time being; and the Provost of Trinity-College, near Dublin, for the time being; shall be, and are hereby Created a Corporation or Body-Politick, for the Purposes in this Act contained only; and appointed Governors and Guardians of the said House and Library, Built and Erected by Narcissus, Lord Arch-Bishop of Armagh, for ever: And that they, the said Governors and Guardians, or any three or more of them, the Arch-Bishop of Dublin being present, and of that Number. But in case the Arch-Bishop of Dublin be out of this Kingdom of Ireland, or be Sick, or during the vacancy of the said See of Dublin, that then, any Five or more of the said Governors and Guardians, shall have Power and Authority, and are hereby Authorized to meet

together from time to time, and as often as there ſhall be occaſion to conſider of, and to make ſuch reaſonable Rules and Orders for the better Government and Management of the ſaid Houſe and Library, as they ſhall think neceſſary and convenient: To which Rules and Orders by the ſaid Governors and Guardians made, as aforeſaid; the Library-Keeper, for the time being, ſhall for ever be ſubject, and ſhall from time to time obſerve, on pain of being Suſpended from the ſaid Office or Imployment, and from the Income, Profits, Lodgings and Perquiſites thereto belonging, at and during the Pleaſure of the ſaid Governors and Guardians.

VI. And be it further Enacted, that in caſe the ſaid Library-Keeper ſhall continue Obſtinate ſeven Days after his being Suſpended, as aforeſaid, and will not Obſerve the Orders, Rules and Directions of the ſaid Governors and Guardians, that then, and in ſuch caſe, the ſaid Governors and Guardians, or any Five or more of them, the Arch-Biſhop of Armagh, or the Arch-Biſhop of Dublin for the time being, being preſent, and of the ſaid Number, ſhall have Power; and are hereby Authorized to meet together, and to Deprive and Remove the ſaid Library-Keeper, of, and from the ſaid Office or Imployment; and to take from him the Income, Profits, Lodging and Perquiſites, to the ſaid Office belonging, from the time of his continuing and being declared Obſtinate, as aforeſaid; and alſo that another Library-Keeper be nominated and appointed in like manner, as if the Library-Keeper, ſo deprived or removed, were naturally Dead.

VII. And be it further Enacted by the Authority aforeſaid, That the ſaid Maſter Elias Bohereau be, and he is hereby declared Keeper of the ſaid Library, for, and during his Life, ſubject, nevertheleſs, to and under the Rules, Conditions, Proviſoes and Regulations, herein expreſſed, touching and concerning the ſaid Library-Keeper, for the Time being: And that for his Support and Maintenance, and for the Support and Maintenance of the Succeeding Keepers of the ſaid Library, Your Majeſty's moſt Loyal and Dutiful Subjects, the ſaid Narciſſus, Lord Arch-Biſhop of Armagh, and the ſaid William, Lord Arch-Biſhop of Dublin, humbly Beſeech Your moſt Sacred Majeſty, that it may be Enacted.

VIII. And be it Enacted by the Authority aforeſaid, That whenſoever either the Chantorſhip or the Treaſurerſhip of the Cathedral Church of St. Patrick's, Dublin, ſhall become void, that ſuch of the ſaid Dignities as ſhall firſt become void, ſhall be by Your Majeſty, Your Heirs or Succeſſors, or by the Arch-Biſhop of Dublin or his Succeſſors, in whoſe Gift the ſame ſhall happen, to be conferred on the ſaid Maſter Elias Bohereau, or the Keeper of the ſaid Library for the Time being, who ſhall Enjoy the ſame, during his Continuance in the ſaid Employment, Subject nevertheleſs, as a Dignitary of the ſaid Cathedral Church, to all Juriſdictions, Viſitations, Duties and Penalties, to which the Chantor and Treaſurer, of the ſaid Cathedral Church or either of them are Subject. And in like Manner as the ſaid Chantor and Treaſurer, or either of them, are, or were Subject at the Time of making this preſent Act; Any thing in this Act contained to the contrary notwithſtanding.

IX. And if it ſhall happen that the ſaid Library-Keeper ſhall be Legally Deprived of his ſaid Dignity conferred on him, as aforeſaid, that then upon Certificate to the Guardians and Gover-

Governors of the said Library, of such Deprivation, the said Library-Keeper shall be by the said Guardians and Governors, or any three or more of them, also Deprived of his Office of Keeper of the said Library, and another Person shall be put in his Place, as is before in this Act mentioned.

X. And be it further Enacted by the Authority aforesaid, That the Nomination and Appointment of a Library-Keeper, for the said Library, after the Death or Removal of the said Master Elias Bohereau, shall be, and is hereby Vested in the Arch-Bishop of Dublin, for the time being; and that it shall and may be Lawful for the said Arch-Bishop of Dublin, for the Time being, as often as there shall be Occasion, upon the Death or Preferment of the Library-Keeper, for the Time being, or upon the Surrender, Forfeiture, or other Avoydance of the said Office, to Nominate and Appoint a Library-Keeper, for the said Library; and that the Person so Nominated and Appointed, and none other, shall be the Library-Keeper for the Time being, and be Intitled to the Lodgings or Appartments, under the said Library, or such part thereof as the said Governors and Guardians shall think fit, and the said Garden or Court thereto Allotted, and to the Salary and other Perquisites to the said Office belonging. Provided the Person so Nominated and Appointed Library-Keeper be a Presbyter of the Church of England or Ireland, as by Law Established; and that he has taken his Master of Arts Degree in some of the Universities or Colleges of that part of Great-Britain, formerly and commonly called, England, or in Ireland; and that before his Admission to the Office of Library-Keeper, he shall give to the said Guardians and Governors Security, to the Value of Five hundred Pounds, Sterl. by Recognizance with sufficient Sureties, that none of the said Books shall be lost, or otherwise Imbezelled, and shall also take the Oath following. viz.

I *A. B.* do Swear, that I will Use my utmost Care and Endeavour to preserve all the Books, and other Things, that are, or shall be committed to my Charge by the Governors and Guardians of the Publick-Library, Built and Erected by *Narcissus*, Lord Arch-Bishop of *Armagh*, at, or near to Saint *Sepulchres*, *Dublin*; and that I will not wittingly or willingly suffer any of the said Books (during my Continuance in the Office of Library-Keeper) to be lent Abroad, given Away, or Imbezelled, or to be any wise Damnified through my Default; and that I will, to the utmost of my Power, observe all Statutes, Rules and Constitutions already made, or hereafter to be made concerning the Office of the said Library-Keeper, while the same shall continue in Force, and I shall continue in the said Office,

So Help me GOD.

XI. Which said Oath the Arch-Bishop of Dublin, for the Time being, or in Case of his Absence from Dublin, Sickness, or Vacancy of the said See, any Two or more of the said Governors and Guardians, are hereby Authorized and Impowered to Administer, and to Tender the same.

XII. And be it further Enacted, That all Lands, Tenements, Sum or Sums of Money, Books Printed and Manuscripts, and all other Things of what Kind or Nature soever, which shall at any Time, after the Passing this Act, be given or disposed of, whether Personally, or by Deed or Will, to the Use of the aforesaid Library, or Office of Library-Keeper,

shall be Vested in the said Governors and Guardians of the said Library, for the Time being, to the Use of the said Library, or Library-Keeper for ever; and to such other Uses, Intents and Purposes, as shall be Declared or Appointed by the Person or Persons Giving, Granting or Devising the same; and to no other Use, Intent or Purpose whatsoever, unalienable, and without their being capable of Forfeiting, Selling, or otherwise Disposing of the same, otherwise than as in this Act hereafter mentioned.

XIII. And that the said Governors and Guardians, for the Time being, in their own Names, as by the Title of the Governors and Guardians of the Library, Erected by Narcissus, Lord Arch-Bishop of Armagh, at or near to St. Sepulchres, Dublin, shall have Power, and are hereby Authorized and Impowered and Enabled to Accept, Take and Receive, all such Gifts, Grants and Legacies, and to stand and be Seized and Possessed thereof for ever, to the Uses and under the Trusts aforesaid; and be capable to Sue for the same in any Court of Law or Equity, the Statute of Mortmain, and all other Laws, Statutes, Usages or Customs, to the contrary thereof in any wise notwithstanding.

XIV. Provided always, and be it further Enacted, That if any Person or Persons shall at any Time or Times hereafter, Bestow (for the Support of the said Library-Keeper, and the Succeeding Library-Keepers) the Sum of One hundred and Fifty Pounds per Annum, or more for ever; that then the aforementioned Dignity, conferred on the said Library-Keeper, shall immediately, upon the next Avoidance of the said Office, be Disposed of by such Persons to whom the Disposal thereof shall of right belong, in such Manner as if this Act had never been made.

XV. And when any such Yearly Sum, as aforesaid, shall be given for the Support of the said Library-Keeper, that then, and in that Case, the Nomination of the Library-Keeper, when the said Office shall become vacant, after the said Gift, shall be in such manner as the said Governors and Guardians, and such Person or Persons who gives such Annual Sums, shall direct and appoint; and that then, and in that Case, the said Persons hereby Required and Impowered to Nominate a Library-Keeper, shall not be obliged to choose a Presbyter, but from and after the time of the said Dignities being separated and taken away from the said Office, shall be and are hereby Impowered to choose any Person otherwise Qualified, as aforesaid, for the said Office, any thing in this Act contained to the contrary thereof, in any wise notwithstanding.

XVI. Provided always, that it may be lawful for the said Guardians and Governors, or any three or more of them, to change any Book or Books which shall hereafter be given to the said Library, and whereof there are Duplicates in the same for other Books to be put into the said Library or to Sell such Duplicates and with the Money arising, by the Sale thereof, to Buy such other Books as they shall think proper to be put into the said Library; any thing in this Act contained to the contrary notwithstanding.

XVII. And to perpetuate the Memories of all such as shall hereafter be Benefactors to the said Library, and to the Intent that all who are desirous to know may be Informed

how

how all Legacies, Sum or Sums of Money, Lands, Tenements, or other the Premisses, which hereafter shall be given to the Use of the said Library, are applied and disposed of by the Guardians and Governors thereof.

XVIII. Be it further Enacted by the Authority aforesaid, that the Library-Keeper, for the time being, shall in a large Vellum or Parchment Book, prepared and given by Narcissus, Lord Arch-Bishop of Armagh, for that purpose, Enter and keep an exact Account of all Gifts, Grants, Sum or Sums of Money, Books, and of all other Things, which shall be hereafter given for the Use of the said Library, together with the Names of the Benefactors, the place of His, Her or Their Abode, and to what Uses the same were given, and how the same have been, and are applied and disposed of by the Governors and Guardians of the said Library; and that the said Book shall be Signed by the Library-Keeper, for the time being, and by him shall be exposed to View in the most publick Place of the said Library.

XIX. And be it further Enacted by the Authority aforesaid, that the Library-Keeper, for the time being, or some other Person to be appointed by the Governors and Guardians of the said Library, or any three or more of them, from time to time as there shall be Occasion, shall in a fair Vellum or Parchment Book, prepared for that purpose by the said Narcissus, Lord Arch-Bishop of Armagh, Enter or cause to be fairly Written and Drawn this present Act of Parliament, together with a Map or Plan of the Ground hereby Vested in the said Guardians and Governors, and all such Rules and Orders, as shall be made by the said Governors and Guardians from time to time, pursuant to this Act; and that the said Book, containing the said Act of Parliament, Map or Plan of Ground, and Rules and Orders, after they are Signed by the said Governors and Guardians, shall be exposed to View in the most publick Place of the said Library.

XX. And be it further Enacted by the Authority aforesaid, That the said Guardians or Governors, or any three or more of them, whereof the Arch-Bishop of Dublin (unless then Sick, or out of this Kingdom, or that the said See shall happen to be then vacant) shall always be one; and in case of such Absence or Sickness, that one of the Governors, aforesaid, whom the said Arch-Bishop, shall under his Hand and Archiepiscopal Seal, appoint to be present and of that Number; shall on the second Thursday in the Month of October, in every Year, Personally Visit the said Library, and Inspect the State and Condition of the same, and of every thing therein contained; and at such their Visitation make such Orders and Rules, and give such Directions concerning the same, as to them, or the Major Part of them, shall seem necessary and convenient; and that the said Guardians and Governors may Adjourn their said Visitations to such further time or times as they, or the Major Part of them shall think fit.

XXI. And be it further Enacted by the Authority aforesaid, that the Library-Keeper, for the time being, shall prepare on, or before the first Visitation of the said Library, three fair Catalogues of all the Books and other Particulars in the said Library contained; which Catalogues shall be

Signed by the said Library-Keeper, together with the Names and Titles thereof; one of which shall be constantly kept in the said Library, another shall be delivered, by the said Library-Keeper, to the said Guardians and Governors, who shall Deposite the same with the Arch-Bishop of Dublin, to be kept by his Grace and his Successors for their Use; and the third shall be lodged in the Registry of the Arch-Bishop of Dublin: But in case it appears to the said Guardians and Governors, that the said Library-Keeper cannot prepare the said Catalogues, within the time above mentioned, limited and expressed, that then the said Guardians and Governors shall allow the said Library-Keeper such further time for the preparing the same, as to them shall seem convenient.

XXII. And if it shall happen that at any time hereafter, the said Library shall be Enlarged or Augmented, Be it further Enacted, that the said Library-Keeper, for the time being, shall from time to time, as often as occasion shall require, make three fair Catalogues of all such Books and other Particulars, wherewith the said Library shall be so Enlarged or Augmented, and the same Signed by him, shall deliver to the said Guardians and Governors at their next Visitation of the said Library, after such Augmentation or Enlargement; one whereof shall be by them Deposited in the said Library, another left in the Custody of the Arch-Bishop of Dublin, for the time being, for the Use of the said Guardians and Governors; and the third shall be lodged in the Registry of the Arch-Bishop of Dublin. And whereas it is necessary that the said Governors and Guardians should have due Notice of the Time and Place for their meeting to execute the Trust reposed in them by this Act, Be it further Enacted, that the Arch-Bishop of Dublin, for the time being, or in case of his Absence or Neglect, that then any Two of the said Governors and Guardians are hereby directed to give due Notice, or send Summons to each of the said Governors and Guardians, of the Time and Place intended for the Meeting of the said Governors and Guardians for the Purposes aforesaid, Twenty Four Hours, at the least, before the time of such Meeting.

XXIII. And be it Enacted by the Authority aforesaid, that the said Elias Bohereau, and all and every his Successors, Keepers of the said Library, shall from time to time, and at all times hereafter, as often as need shall require, Keep, Support and Maintain the said Library, and the Buildings thereof, in good and sufficient Repair, at his and their own proper Costs and Charges; and in case he or they shall neglect the same, the Arch-Bishop of Dublin, for the time being, and his Successors, shall, and may, receive so much of the Revenue of the said Library-Keeper, hereby granted, as shall be necessary for such Reparations, and to apply the same accordingly.

XXIV. And that from and after the said Chantorship shall Fall, and be Enjoyed by such Keeper of the said Library, the said Arch-Bishop, and his Successors, shall, and may, Suspend such Keeper of the Library, as aforesaid, Neglecting to Keep the same in Reparation, ab Officio et Beneficio, until the same shall be sufficiently Repaired, as aforesaid.

XXV. And whereas the Rectory of Burgage, alias Blesinton, is Part and Parcel of the Corps of the said Chantorship of St.

St. Patrick's, and the Vicaridge of the said Parish of Burgage is very small, and insufficient to Support the Incumbent that has Cure of Souls in the said Parish, Be it Enacted, That it shall be Lawful to and for the Lord Arch-Bishop of Dublin, for the Time being, with the Assent and Consent of the Chantor, for the Time being, and of the Dean and Chapter of St. Patrick's, Dublin, out of the Tithes belonging to the said Chantor in the said Parish, to Augment the said Vicaridge, to the Value of any Sum not exceeding Fifty Pounds per Annum.

XXVI. And whereas there hath been a Union of the said Parish, to the Parish of Ballymore-Eustace, which is found very inconvenient, Be it Enacted, That the said Augmentation shall not take Effect in Possession, until the Incumbent, of the said Vicaridge, shall Consent that the said Union be Dissolved; and from and after such Consent of the present Incumbent, in Case he shall Consent thereunto, and from and after Avoidance of the said Vicaridge, by Death or Cession of the present Incumbent thereof, the said Union of the said Parishes shall be Actually Dissolved; and the said United Parish of Burgage and Ballymore-Eustace, shall from thenceforth be, and become two distinct and separate Parishes, as they were before the said Union, any Statute, Law, Act or Thing, to the Contrary notwithstanding. Saving nevertheless, to Her Majesty, Her Heirs and Successors; and Saving to all other Person and Persons, Bodies Politick and Corporate, their Heirs, Executors, Administrators and Successors, other than the said Narcissus, Lord Arch-Bishop of Armagh, and his Executors and Administrators, and the said William, Lord Arch-Bishop of Dublin, and his Successors; and the said Dean and Chapter of the Cathedral Church of St. Patrick's, Dublin, and their Successors; and the said Elias Bohereau, his Executors and Administrators, all such Right, Title, or Interest, as they, or any of them had, or may, or might have to the said House, Ground, Books, and any other the Premisses herein mentioned, and Intended to be Vested in the aforesaid Trustees, for the respective Uses, Intents and Purposes, before mentioned as if this Act had never been made.

CHAP. XX.

An Act for Cleansing the *Port*, *Harbour* and *River*, of *Dublin*, and for Erecting a Ballast-Office in the said City.

WHEREAS the River Annaliffy, which Divides the City of Dublin, and makes the Port thereof, is become extreamly Shallow, and well nigh Choaked from the Bridge, commonly called, Arran's-Bridge, to the Bar of the said Port, to the great Detriment of Trade, and to the Manifest Hazard of the Shipping Resorting to the said City; which Mischiefs have been Principally Occasioned by the Licentious and Irregular taking up of Ballast, and Breaking the Banks of the Channel, for want of proper Laws for Regulating how, and in what Manner, the Shipping re-

soʒting to the said Poʒt and Harbour, shall Demean themselves, in Relation to their throwing Out, oʒ taking In, of their Ballast.

II. And whereas the Loʒd Mayoʒ, Sheriffs, Commons and Citizens of Dublin, have humbly Petitioned his Royal Highness, Pʒince George of Denmark, Loʒd High Admiral of Great Britain and Ireland, That his Highness would Interceed with Your Majesty, foʒ Your Gʒacious Appʒobation of a Bill foʒ Erecting a Ballast-Office, in such Manner as is herein after Expʒessed.

III. May it therefoʒe Please Your Most Excellent Majesty, at the Request of his Royal Highness, that it may be Enacted.

The Lord Mayor, Commons and Citizens, may erect a *Ballast-Office*, &c.

IV. And be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Loʒds Spiritual and Tempoʒal, and Commons in this pʒesent Parliament Assembled, and by the Authoʒity of the same, That it shall, and may, be lawful, to and foʒ the Loʒd Mayoʒ, Sheriffs, Commons and Citizens, of the City of Dublin, at any Time after the First Day of May, which shall be in the Year of our Loʒd, One thousand seven hundʒed and eight, to Erect oʒ Cause to be Erected in the said City of Dublin, one Office; which from thencefoʒth, shall be called and known by the Name of the Ballast-Office of the Poʒt of Dublin; to the End that all Ships which shall thencefoʒth arfoʒt to the said Poʒt and Harbour, may be furnished with Ballast by the said Office, and not otherwise; and the Loʒd Mayoʒ, Sheriffs, Commons and Citizens, of the City of Dublin are hereby Required, at, oʒ befoʒe the said First Day of May, to Erect, oʒ cause to be Erected, such Ballast-Office as afoʒesaid, in some pʒoper oʒ convenient Place in the said City, to be always under the Government, Inspection and Direction of the said Loʒd Mayoʒ, Sheriffs, Commons and Citizens, of the said City of Dublin, who are hereby Constituted and Gʒdained, Keepers, and Conservatoʒs of the Poʒt of Dublin; and Impowered to make such Gʒders, Rules, and By-laws, foʒ the well Government of the said Office, and foʒ the Cleansing of the said Channel, and foʒ Securing of all Ships as shall come into the said Poʒt, as shall from Time to Time be Appʒoved, Ratified and Confirmed by the Loʒd Lieutenant, oʒ other Chief Goveʒnoʒ oʒ Govʒnoʒs of this Kingdom, and Six oʒ moʒe of the Pʒivy Council of the same.

The Lord Mayor, &c. to provide a sufficient number of Lighters or Gabbards, to furnish all Ships with Ballast in 24 hours after Notice given.

V. And be it further Enacted by the Authoʒity afoʒesaid, That the said Loʒd Mayoʒ, Sheriffs, Commons and Citizens of the City of Dublin, shall Pʒovide a Sufficient Number of Lighters oʒ Gabbards, together with Woʒkmen, Tools and Engines, as shall be sufficient foʒ the Raising the Ballast in any Part of the Channel of the said Harbour oʒ River, as shall be by them judged Expedient within the Verge of the County of the said City, to the lower Part of the Bar, in the said Poʒt, and shall furnish all Ships within the said Poʒt with Ballast, at the Rates herein after mentioned, Twenty Four Hours after Notice given, by the Commanders, oʒ Masters of the said Ships, to the pʒoper Officer at the Ballast-Office foʒ that Purpose, to be Appointed to Receive such Notification, so as Wind and Weather will Permit; and in Case Wind and Weather will not then Permit them, so to furnish Ballast, then within Twelve Hours after, Wind and Weather will Permit.

VI. Pʒo-

VI. Provided always, That the Lords-Day (commonly called, Sunday,) shall not be Accounted any part of the Twenty Four Hours or Twelve Hours aforesaid, the said Ballast to be Brought to the Sides of the Ships as shall have Occasion for the same, and thence immediately Thrown into such Ship or Ships, by the Crew of the said Ships respectively.

Sunday no part of the 24 hours.

VII. And to the End that the said Lighters be no longer Detained than is necessary; For Prevention of such Delays, Be it Enacted by the Authority aforesaid, That in Case the Crew of the said respective Ships, shall Neglect or Refuse to Cast In, or Cast Out their Ballast, so as to Occasion any Unreasonable or Unnecessary Delays therein, that then, or in such Case, the Commander, or Master of each Ship, respectively so Delaying, shall Pay, or cause to be Paid, to the Master of the Ballast-Office, for the Time being (for the Damage which the said Ballast-Office shall sustain) such Sum or Sums of Money, as the Lord Mayor of the said City for the Time being, shall in a Summary Manner, finally Judge and Determine, so as that the said Sum do in no Case exceed Twelve Pence, for each Hour each Lighter shall be unnecessarily Detained, by the Neglect or Default of the said Commander or Master, or by the Neglect or Default of the Crew of such Ship or Ships as aforesaid.

Forfeiture in keeping or slaying the Gabbard.

VIII. And be it further Enacted by the Authority aforesaid, That every Ship belonging to Great-Britain, or to Ireland, that shall Take in any Ballast, in or above Salmon Pool, from the said Office, shall Pay, or cause to be Paid to the Officer Appointed to keep the said Ballast-Office as aforesaid, Twelve Pence per Tun, for every Tun so delivered; and for each Tun delivered below Salmon-Pool, Fifteen Pence per Tun; and all and every Ship or Ships belonging to Foreigners, shall Pay for Ballast, one third Part more per Tun, than what is aforesaid Charged on British or Irish Ships.

What Ships of *Great-Britain* or *Ireland* to pay, and what Foreigners.

IX. And in Regard the Mending and Cleansing of the said River and Port, will be of great Use to all Ships which shall come within the Bar of the said Port, as well such as have Occasion for Ballast, as others, and to all Lighters, Gabbards and Wherrys, within the said Port, and that a great and constant Expence will be Requisite to Accomplish and Carry on the said Work, Be it therefore Enacted by the Authority aforesaid, That from and after the said First Day of May, which shall be in the Year of our Lord, One thousand seven hundred and eight, all British and Irish Ships which shall come within the said Bar (Ships in Her Majesty's, Her Heirs, and Successors Pay only excepted) shall Pay unto the said Office Two Pence per Tun, for every Tun such Ship or Ships shall be Burthen, over and above the Money payable for Ballast, as aforesaid, in Case that they make Use thereof; and every Foreign Ship so coming within the said Bar, as aforesaid, shall Pay Three Pence per Tun over and above the Ballast Money, in Case that they also make use thereof, which Tunnage, as well in British and Irish Ships, and in Foreign Ships shall be computed by outward Gauging of the said Ships respectively, and not otherwise; and the Master of the said Ballast-Office, for the Time being, and all and every other Officer and Officers, for that Purpose, as aforesaid, Appointed, or to be Appointed is, and

All *British* and *Irish* Ships except Her Majesty's to pay 2 pence *per* Tun, and Foreigners 3 pence *per* Tun.

are hereby Impowered to make such Outward Gauge of all and every such Ship and Ships as shall come Into, or go Out of the said Harbour, from Time to Time, as they shall see Occasion for the doing thereof.

The Rates for all Wherrys and Gabbards, &c. that is below the Wooden-Bridge, &c.

X. And likewise, Be it Enacted by the Authority aforesaid, That from and after the said First Day of May all Lighters, Gabbards, and Wherrys, which shall be usually Imployed in the said Port or River, below the Bridge commonly called, the Wooden-Bridge, in the City of Dublin, aforesaid, shall Pay, and their respective Proprietors and Owners shall be charged with the Payment of, to the said Ballast-Office, the respective Sums of Money herein after mentioned (that is to say,) For every Wherry Five Shillings Fine, and Five Shillings per Annum, during such Wherrys being kept on the said River, Port or Harbour; and every Gabbard or Lighter (other than the Lighters belonging to the said Ballast-Office) Ten Shillings Fine, and Ten Shillings per Annum, for and during such Gabbards or Lighters being kept on the said River, Port or Harbour.

No Ships to be cleared Outward without a Certificate from the *Ballast-Office.*

XI. And to the end that the said respective Duties due, and payable as aforesaid, may be more effectually Paid and Levied, Be it further Enacted by the Authority aforesaid, That it shall not be lawful to and for the Officers of Her Majesty's Custom-House in Dublin, to Clear and Discharge any Ship or Ships Outward Bound, or to Permit any Ship or Ships Outward Bound to Sail, till the Commander or Master thereof, shall have brought a Discharge from the Master of the Ballast-Office, Testifying such Ship or Ships, to have Paid and Cleared their Ballast-Money, in case they took in Ballast; and likewise all and Angular the Duties by this Act, as aforesaid, Imposed, which Discharge shall be immediately granted without Fee or Reward, Fraud or Delay in Case of Refusal or Delay that then the Master of the Ballast-Office so Refusing or Delaying, shall Forfeit Forty Shillings (for every such Refusal or Delay to the Master of such Ship, to be Recovered in a Summary Way before the Lord Mayor of the said City, for the time being, and to be Levied by Distress, on Warrant of the said Lord Mayor, and by Sale of the Goods and Chattles of such Master of the said Office.

All Sums of Money to be imployed in mending and cleansing the River, the overplus to the *Blew-Coat Hospital.*

XII. And be it further Enacted by the Authority aforesaid, That all and every the Sum and Sums of Money Arising, growing Due, or Levied from time to time, by Force and Vertue of this Act (incident Charges, Salaries and necessary Expences of the said Ballast-Office, being first Paid and Deducted) shall from time to time, be Imployed in Amending and Cleansing the said River and Port: And in case that there shall be any Overplus remaining, the same shall be applied towards the Support and Maintenance of the Hospital of Blew-Coat Boys, in the said City.

The Lord-Mayor to lay the Accounts once in three Years before the chief Governors and Council, the forfeiture for neglecting or refusing.

XIII. And to the end that the same may be effectually done, Be it Enacted by the Authority aforesaid, That the Lord Mayor, Sheriffs, Commons and Citizens, of the City of Dublin, shall Once in every Three Years, lay before the Lord Lieutenant General, and General Governor of this Kingdom, Lord Deputy, or other Chief Governor or Governors of this Kingdom, and Council, a true and perfect Account of the Annual Produce, of the said respective Sum and Sums of Money, as aforesaid Charged, and also how the same have been applied; which Account shall be upon Oath of the Officer

Officer or Officers concerned in Receiving or Paying thereof (if so be that they shall be thereunto required) and in case the said Mayor, Sheriffs, Commons and Citizens, shall refuse or Neglect to Account, according to the Meaning of this Act, that for every such Refusal or Neglect, they shall Forfeit the Sum of One hundred Pounds Sterl. to be recovered by any Person who shall Sue for the same in the Courts of Queen's-Bench, Common-Pleas, or Court of Exchequer, by Bill, Plaint, or Information, in which no Essoin, nor any more than one Imparlance shall be allowed; and the same shall be Tryed by a Jury of the County of Dublin one Half thereof to be given to the Informer, and the other Half to the Use and Benefit of the Poor-House, near the said City.

The Lord-Mayor, &c. to put in Officers and Establish Salaries.

XIV. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Mayor, Sheriffs, Commons and Citizens, of the City of Dublin, from time to time (for ever) hereafter, to Nominate, Constitute and Appoint, such Officer or Officers, as they shall think fit and proper for the Execution of the several Branches of the said Ballast-Office; and to establish such Salaries and Allowances to them, and every of them respectively, out of the Produce of the Duties herein before Vested in the said Office, as to the said Lord Mayor, Sheriffs, Commons and Citizens, shall seem meet and reasonable; and the same to Increase and Diminish as to them shall seem reasonable; so as the same from time to time shall be Ratified, Confirmed and Approved of by the Chief Governor or Governors, and Six or more of the Privy Council of this Kingdom, for the time being.

XV. And to the Intent that no Ashes, Dirt or Filth, may for the future be Cast into the said River, or into any Common-Shores, in the said City of Dublin or Liberties thereunto adjoyning, to the Annoyance of the said River Annaliffy.

The forfeiture for flinging Dirt or Rubbish into the River, or any Stream that runs into it.

XVI. Be it Enacted by the Authority aforesaid, That every Person or Persons who shall Cast any Ashes, Dirt, Filth or Rubbish into the said River, or into any Shoar or Stream that Empties it self therein, within the said City or Liberties thereunto adjoyning, being in a Summary manner thereof Convicted upon Oath, before the Lord Mayor of the said City, for the time being, or before any one or More of the Justices of the Peace of the County of the said City, or County at Large, for Crimes, aforesaid, committed within their respective Authorities, shall Forfeit (for every such Offence) the Sum of Five Shillings, for the Benefit and Advantage of every such Person or Persons, as shall and will Discover and Prosecute the same; which said Sum of Five Shillings, shall, and may be Levyed by Distress and Sale of the Goods and Chattles of the Offenders, by the Warrant of the said Lord Mayor, or Justice of the Peace, before whom the Party was Convict, returning the said Parties the Overplus: And in case the said Offender or Offenders have not wherewith all to Satisfie and Pay the Sum of Five Shillings that then, and in such Case, it shall and may be lawful, to and for the said Lord Mayor, or Justice of the Peace respectively, to send the said Offender or Offenders, to the House of Correction to be once Whipped, or kept to Hard Labour at his Discretion, so as the Confinement of the said Offenders to the said House of Correction, may not for any one Fault, exceed the Number of Four Days.

All Ballaſt to be taken out of the Channel and not from the Strand or Banks, &c.

XVII. And for the more effectual Cleanſing of the Channel of the ſaid Port and River, be it Enacted by the Authority aforeſaid, That all Ballaſt that ſhall be taken from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and eight, ſhall be taken out of the Channel of the ſaid River of Annaliffy, and not from any part of the Strand or Banks within the Bar of the ſaid Port, nor carried from one Ship to ſupply another, and that no Ballaſt ſhall be thrown out of any Ship, into the ſaid Port or River within the Bar, nor into any Part of the ſaid Harbour beyond the Bar, upon pain of Forfeiting (for each of the ſaid Offences) the Sum of Twenty Pounds Sterl. to the Mayor, Sheriffs, Commons and Citizens of Dublin, for the Benefit and Advantage, and to the Behoof of the ſaid Ballaſt-Office, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of Her Majeſty's Courts of Record, wherein there ſhall be no Eſſoyn, Protection or Wager of Law, or more than one Imparlance granted, and that every Iſſue thereon ariſing, ſhall and may be Tryed by a Jury of the County of Dublin, any Law, Statute, or Uſage to the contrary, notwithſtanding.

Ballaſt Gabbards, &c. to repair in 24 hours to unload the Ballaſt.

XVIII. And to the end that all and every of the Ships reſorting to the ſaid Port of Dublin, may be Eaſed of their Ballaſt without delay; Be it Enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and eight, the ſeveral Lighters to be employed in the ſaid ſervice, ſhall from time to time, within Twenty Four Hours after Notice, as aforeſaid, repair to ſuch Ship or Ships which ſhall come into the ſaid Port of Dublin, and thence take and receive into ſuch Lighter or Lighters all ſuch Ballaſt, as ſhall be on Board ſuch Ship or Ships; for Recompence whereof, the Commander or Maſter thereof, in caſe the ſame be Britiſh or Iriſh Ships, ſhall pay Six pence per Tun for every Tun of ſuch Ballaſt; and in caſe the ſaid Ship or Ships be Foreign, then and in that caſe, the Commander or Maſter ſhall pay Eight Pence per Tun, and no more.

XIX. And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons, from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and eight, ſhall preſume to take up any Ballaſt into their Ship or Veſſel, but from ſuch Perſon or Perſons as ſhall be thereunto appointed by the Lord-Mayor, Sheriffs, Commons and Citizens of Dublin, or thoſe employed by them, on pain of Forfeiting, for every ſuch Offence, the Sum of Five Pounds, to be recovered in a Summary way before the Lord-Mayor of the ſaid City, as aforeſaid, for the Uſe of the ſaid Office.

If the *Ballaſt-Office* neglects, he may employ any other Gabbard, &c. and the Gabbard to be free for a Year.

XX. And to the end that no Commander or Maſter of any Ship or Ships, reſorting to the ſaid Port of Dublin, may have juſt cauſe of complaint, that his Voyage is Retarded by Neglect of the ſaid Officers of the ſaid Ballaſt-Office, or that he ſuffers for want of removing his Ballaſt; Be it Enacted by the Authority aforeſaid, That in caſe the Governor, or Officers of the ſaid Ballaſt-Office, or their Servants, ſhall Neglect or Refuſe to take off, or bring in Ballaſt, to any Ship or Ships within the ſaid Bar, at the reſpective times appointed for doing thereof as aforeſaid, that then it ſhall and may be lawful, to and for the Commander

er and Master of such Ship or Ships, at any time after Notice given of such Neglect, to the Lord-Mayor of the said City, for the time being, to employ any other Lighter or Lighters, Gabbard or Gabbards, for the doing thereof; which said Lighter or Lighters, Gabbard or Gabbards, so by them, as aforesaid employed, are hereby Authorized and Qualified to take up so much Ballast, in the Channel of the said Port or River only, as shall be requisite for Ballasting of such Ship or Ships so as aforesaid neglected, or to carry off such Ballast as shall be in such Ships arriving into Port, in case the Master or Officers and Servants of the said Ballast-Office, shall Refuse or Neglect the same, within the prescribed Days and Times aforesaid; and in every such Case, upon Oath thereof made before the Commissioners of the Customs, every such Master of any Ship or Vessel shall have his Discharge and Clearings out of the said Port, as if he had produced such Certificate from the Master of the Ballast-Office, as aforesaid: And every Lighter or Gabbard, which shall be so employed, either in the Loading or Unloading of the Ballast, as aforesaid, on occasion of such Neglect by the said Ballast-Office, shall be exempted from the Payments of any Duty or Mulct to the said Ballast-Office for one Year.

No Gabbard, &c. that belong to the Office, to carry any Goods to Shipping to be made use of as a publick Act.

XXI. And to the end that the Lighters to be employed by the said Ballast-Office, may give good Attendance to the Service of the said Office; Be it Enacted by the Authority aforesaid, That no Lighter or Lighters, taken into the Service of the said Ballast-Office, shall at any time carry any Goods, Wares, or Merchandizes of any sort, to, or from any Ship or Ships, in the said Port or River, on pain of Forfeiting of treble the Value of the Gabbarage, or Portage of such Goods or Merchandizes, to the Party that shall Discover the same; to be recovered in a Summary manner before the Lord-Mayor of the City of Dublin, for the time being.

XXII. Be it further Enacted by the Authority aforesaid, That all and every the Officers and Servants employed to execute this Act, or any Part thereof, shall be at Liberty to Plead and make Use of this Act, in all or any of Her Majesty's Courts of Justice, in like manner, as if the same were a Publick Act of Parliament; and the same as a Publick Act shall be Esteemed, Deemed, and Taken in all Courts of Justice in this Kingdom.

Anno Regni Octavo Annæ Reginæ.

CHAP. I.

An Act for the better Securing to Her Majeſty the Payment of ſuch Duties as ſhall be Granted to Her Majeſty, this Seſſion of Parliament.

CHAP. II.

An Act for granting to Her Majeſty an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, Callicoes, Linnens, and other Goods and Merchandizes; and alſo, a Duty on Rock-Salt.

WE Your Majeſty's moſt Dutiful and Loyal Subjects, the Commons of Ireland in Parliament Aſſembled, having a deep and grateful Senſe of the many Bleſſings we enjoy under Your Majeſty's moſt Glorious and Auſpicious Reign; and a delightful Proſpect of a Laſting and Honourable Peace, which we wholly owe (under God) to the Wiſdom of Your Councils and Power of Your Arms, and being firmly Perſwaded, that we cannot more effectually Contribute to the Strengthning and Securing the Proteſtant Intereſt of this Kingdom, againſt all Foreign and Domeſtick Enemies, than by Supplying and Making good the neceſſary Branches of Your Eſtabliſhment, and Enabling Your Majeſty to Build in or near the City of Dublin an Arſenal, or Proper and ſafe Place for Preſerving and Securing ſuch Arms, Ammunition, and other Warlike Stores, as are already and ſhall hereafter be Provided, and alſo for Supplying Your Majeſty's other Occaſions, for the neceſſary Defence of this Kingdom; have readily and unanimouſly given and granted, and do hereby give and grant to Your Majeſty, the ſeveral Additional and other Duties of Exciſe herein after mentioned; and do moſt humbly beſeech Your Majeſty, That it may be Enacted, And be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Twenty Fourth Day of June One thouſand ſeven hundred and nine, there ſhall be throughout this Your Majeſty's Kingdom of Ireland, Raiſed, Levied, Collected and Paid to Your Majeſty, Your Heirs and Succeſſors, during the Space of One Year, commencing the Twenty Fifth Day of June One thouſand ſeven hundred and nine, and ending the Twenty Fourth Day of June, One thouſand ſeven hundred

and ten, for and upon all Beer, Ale, Aquavitee and Strong-Waters, or Spirits, that shall be Brewed or Made within this Kingdom for Sale, and upon all Tobacco and Muslins, and upon Silks or Stuffs, Made or Manufactured in Persia, China or the East-Indies, the several Rates and Duties herein after mentioned, (that is to say) for every Thirty two Gallons of Beer or Ale, of above six Shillings the Barrel Price, Brewed within this Kingdom by the Common Brewer, or in his Vessels, or by any other Person or Persons, who doth or shall Sell or Tap out Beer or Ale publickly or privately, One Shilling and six Pence to be Paid by the Common Brewer, or by such other Person or Persons respectively, and so Proportionably for a greater or lesser Quantity, for every Thirty two Gallons of Beer or Ale of Six Shillings the Barrel or under, Brewed within this Realm by the Common Brewer, or in his Vessels, or by any other Person or Persons, who doth or shall Sell or Tap out Beer or Ale publickly or Privately, Three Pence to be Paid by the Common Brewer, or such other Person or Persons respectively, and so Proportionably for a greater or lesser Quantity, for every Gallon of Aquavitee, Strong-Waters or Spirits, Made or Distilled within this Realm for Sale, the Sum of Three Pence, to be Paid by the First Maker or Distiller thereof, for every Pound Weight of Tobacco Imported during the Time aforesaid into this Realm, Three Pence Half-Penny, for every Yard of Muslin Imported into this Kingdom, the Sum of six Pence, and for every Yard of all Silks and Stuffs, Made or Manufactured in Persia, China or the East-Indies, Imported into this Kingdom during the Times aforesaid, the Sum of One Shilling and six Pence.

II. And be it further Enacted by the Authority aforesaid, That all White Painted and Stained Callicoes, and all Sorts of Linnen which shall be Imported into this Kingdom, at any Time within the Space of One Year, Commencing the Twenty Fifth Day of June, One thousand seven hundred and nine, and Ending the Twenty Fifth Day of June, One thousand seven hundred and ten, and from thence to the End of the next Session of Parliament, shall answer and pay unto Her Majesty, Her Heirs and Successors, the several Rates and Duties following, (that is to say) One Shilling and Six Pence per Yard for every Yard of White Painted and Stained Callicoes which shall be Imported into this Kingdom, within the Time aforesaid, and Six Pence per Yard for every Yard of any Sort of Linnen, which shall be Imported into this Kingdom, during the Time aforesaid.

III. And be it further Enacted by the Authority aforesaid, That the said several Duties, Rates and Impositions hereby Granted and Charged, as well upon Beer, Ale, Spirits, Aquavitee, and Strong-Waters, as upon Tobacco, Muslins, Linnens, Callicoes, Silks and Stuffs, shall be Raised, Levied, Collected and Paid to Her Majesty, Her Heirs and Successors, during the respective times aforesaid, over and above all other Duties payable for the same by Virtue of an Act made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling of the Excise or New Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted, and by Virtue of one other Act made in the said Fourteenth Year of the Reign of the said King Charles, Intituled, An Act for Settling the Subsidy of Poundage,

Poundage, and granting a Subsidy of Tunnage, and other Sums of Money unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into or out of this Kingdom of *Ireland*, according to a Book of Rates hereunto annexed.

IV. And be it further Enacted by the Authority aforesaid, That the Sum of Twelve pence per Tun, and no more shall be paid to Her Majesty, Her Heirs and Successors, for every Tun of Rock Salt which shall be Imported into this Kingdom, from and after the Twenty Fourth Day of June One thousand seven hundred and nine, in Lieu of all Duties heretofore payable thereout.

V. And be it further Enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Rules, Methods, Penalties, Forfeitures, Clauses, Matters and Things, which in and by the said Act of Parliament, Intituled, An Act for the Settling of the Excise or new Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted; Are Provided, Settled or Established, for Raising, Levying, Collecting, Recovering, Adjudging or Ascertaining the Duties thereby Granted, shall be Exercised, Practised, Applied, Used, Levied, Recovered and put in Execution, for the Raising, Levying, Collecting, Recovering, Adjudging or Ascertaining the Duties thereby Granted, shall be Exercised, Practised, Applied, Used, Levied, Recovered and put in Execution, for the Raising, Levying, Collecting, Recovering and Paying, all and singular the Duties and Impositions by this Act Granted and Imposed, upon the several Liquors and other Commodities herein mentioned and expressed, as fully and effectually to all intents and purposes, as if all and every of the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Clauses, Matters and Things, were particularly repeated, and again Enacted in the Body of this present Act, with the like liberty to appeal to and for the Party grieved, as in and by the said Act of Excise is provided.

VI. And be it further Enacted by the Authority aforesaid, That the aforesaid respective Duties laid and imposed by this Act, on all White Painted and Stained Callicoes, and other sort of Linnen which shall be Imported into this Kingdom, after the said Twenty Fourth Day of June One thousand seven hundred and ten, and from thence until the end of the next Session of Parliament, shall be applied to the use and support of the Linnen Manufacture in this Kingdom, and to no other use whatsoever.

VII. And be it Enacted by the Authority aforesaid, That the several Sums hereafter mentioned, be paid out of the aforesaid Additional Duties and Aids, to the Persons hereafter named, (that is to say) Two Hundred Pounds Sterl. to Thomas Tilson the Elder, Clerk of the House of Commons, One Hundred and Fifty Pounds Sterl. to Thomas Tilson the Younger, another of the Clerks of the House of Commons, Two Hundred Pounds Sterl. to Bruen Worthington Clerk Assistant, Two Hundred Pounds Sterl. to Richard Povey Serjeant at Arms Attending the Commons, One Hundred and Fifty Pounds to Daniel Golburne the Clerk Attending the Committee of Accounts and other Committees, and Fifty Pounds Sterl. to George Spike, Door keeper of the Commons, as Rewards for their several Services and Attendance this Session of Parliament; and also the further Sum of Eight Hundred Pounds Sterl.

to the said Thomas Tilson the Elder, in full of all Demands due to him from the Crown, which said several Sums are to be paid by the Vice-Treasurer or Receiver General of this Kingdom, without any further or other Warrant to be Sued for, had or obtained in that behalf.

CHAP. III.

An Act for Explaining and Amending an Act Intituled, *An Act to prevent the further Growth of Popery.*

WHEREAS an Act made in this Kingdom in the Second Year of the Reign of her present Majesty Intituled, An Act to prevent the further Growth of Popery, has been eluded, by making of Settlements on Papists, by granting Annuities for Lives, in Tail and Fee-Simple, and by perfecting Collateral Securities, as Judgments, Recognizances and Statutes Defeazanced, for performing the Covenants in such Deeds of Annuity and for answering private Trusts for the Benefit of such Papists, under colour and pretence that Annuities being only Personal, and not Real Inheritances, are not

No Papist nor any in Trust for them, to receive any Annuity for Term of Years or Life, and all Judgments void, *&c.*

comprehended within that Clause of the said Act, whereby Papists are disabled from purchasing Lands and Tenements: For Remedy whereof, and for avoiding all Disputes that may arise thereon, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That no Papist nor any other Person or Persons in Trust for any Papist, shall from and after the Tenth Day of May, One thousand seven hundred and nine, be capable to take, have, or receive, any Annuity for Life, or Term of Years determinable on any Life or Lives, or for any greater or lesser Estate any ways chargeable on, or that may affect any Lands, Tenements or Hereditaments; and that all Judgments, Statutes of the Staple or Merchant, Recognizances, and all and every other Security and Securities whatsoever, which at any time hereafter shall be entered into, acknowledged, made or perfected to any Papist or Papists, or to any other Person or Persons in Trust for, and to the Use of such Papist or Papists, for the securing of any such Annuity or Annuities, or performance of any such Trust, and every Judgment or Judgments obtained, had or to be had, on such Annuity, as far only as such Judgment or Judgments may affect any Lands, Tenements or Hereditaments of such Papist or Papists, shall be, and are hereby declared to be null and void to all Intents and Purposes.

Execution may be taken out, *&c.*

II. Provided nevertheless, that any Papist to whom such Annuity shall or may be granted, may upon Judgment obtained, take out Execution against the Person or Personal Estate of such Grantor.

The case of Popish-Children reformed.

III. And be it further Enacted by the Authority aforesaid, That where and as often as any Child or Children of any Popish Parent or Parents, hath or have heretofore Professed or Conformed him, her or themselves, unto or shall hereafter

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ter Conform him, her or themselves, to the Protestant Religion as by Law Established, and Enrol in the High Court of Chancery, a Certificate of the Bishop of the Diocels in which he, she or they shall Inhabit or Reside, testifying his, her or their being a Protestant or Protestants, and Conforming him, her or themselves to the Church of Ireland as by Law Established, it shall and may be lawful for the High Court of Chancery upon a Bill founded upon this Act, to oblige the said Popish Parent or Parents, to discover upon Oath the full Value of all his, her or their Estate as well Personal as Real, clear over and above all Real Incumbrances and Debts Contracted Bona fide for valuable consideration before the Enrolment of such Certificate, and thereupon to make such Order for the Support and Maintenance of such Protestant Child or Children by the Distribution of the said Real and Personal Estate to and among such Protestant Child or Children, for the present Support of such Protestant Child or Children, and also to and for the Portion or Portions, and future Maintenance or Maintenances of such Protestant Child or Children, after the Decease of such Popish Parent or Parents as the said Court shall Judge fit, by which Order, the Real and Personal Estate of such Popish Parent, shall be Charged with such Portion and Portions, future Maintenance and Maintenances, and support from the time of the Enrolment of such Certificate as aforesaid, notwithstanding any fraudulent Gift or Sale, or voluntary Disposition, or any voluntary Charge or Incumbrance, by Statute Staple, Judgment, Bond, Devise, or otherwise, Made, Entered into, acknowledged, suffered or done after the Enrolment in the High Court of Chancery of the Certificate aforesaid, provided that such Order and Distribution among the Protestant Children of such Popish Parent, shall not exceed one third part of the Personal and Real Estate for the Maintenance and Support of such Protestant Child or Children during the Life of such Popish Parent.

Against fraudulent Leases, and the remedy.

IV. And whereas such Popish Parents do frequently set up such fraudulent Settlements and Incumbrances, and make fraudulent Leases at low and inconsiderable Rents, to make their Estate Real and Personal appear small and of little value, in order to deprive such of their Children as shall become Protestants of a Reasonable Support and Maintenance, and such Devices are carried on and concealed with so much Subtility, that it is difficult to discover the same, so that the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, not having the Truth of the Matter laid before him or them, may often decree less Portion and Maintenances than he or they otherwise would have done, if the true Circumstances of such Popish Parent or Parents, had truly and fairly appeared to him or them.

On the increasing of the Estate.

V. And whereas the Estate of such Popish Parent or Parents may encrease and become better after such Portions and Allowances made by the Court of Chancery, and per after such Decree is made up and Enrolled, it may be doubted whether the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal, can encrease such Portion or Maintenances, notwithstanding it should be discovered and made appear to him or them, that the Estate Real or Personal of such Popish Parent or Parents, was much greater than at the time of the Decree it appeared to be, or that such Popish Parent

or Parents had encreased or improved his, her or their Estate: For Remedy whereof, Be it further enacted by the Authority aforesaid, that notwithstanding any such Decree made up or Enrolled, it shall and may be lawful for the High Court of Chancery from time to time, upon a new Bill or Bills founded upon this Act, to encrease or augment such Portion or Portions, Maintenance or Maintenances, formerly decreed or allowed to such Protestant Child or Children of such Popish Parent or Parents, according to the value of the Estate Real or Personal of such Parent or Parents, at the time of such new Bill or Bills preferred.

If the Bill be groundless, the Remedy.

VI. Provided always, that if it shall appear to the said Court that such new Bill or Bills are groundless and vexatious, that then the said Court shall dismiss the same, and award full Costs to the Defendant, to be Levied as Costs in other Cases are usually Levied.

Those that Levied Fines between the first of *January* 1703, and the Twenty Fourth of *March* following.

VII. And forasmuch as many Irish Papists of this Kingdom, in order to defeat and elude the said Act of Parliament to prevent the further Growth of Popery, did between the First Day of January, One thousand seven hundred and three, and the Twenty Fourth of March following, levy and suffer Fines and Recoveries of their several Estates whereof they were Seized in Tail, in order to bar all Remainders that were then vested, or afterwards might vest in any Protestants, and likewise did make such dispositions and voluntary conveyances of the same and other their Estates whereof they were Seized in Fee-Simple, as that the said Estates might never come to any English Man or Protestant, or any that should turn Protestant, and Qualify themselves according to the Intent, Purport and Encouragement of the said Act to prevent the further Growth of Popery.

Conveyances made to cut off the Protestant Heir void.

VIII. For remedy whereof, and for further Explanation of the said Act, Be it Declared and Enacted by the Authority aforesaid, that all and every Settlement and Settlements, Fine and Fines, Common Recovery and Recoveries, and other Conveyances had or made since the said First Day of January, One thousand seven hundred and three, of any Lands, Tenements or Hereditaments in this Kingdom by such Papist or Papists, or by any Protestant or Protestants, who turned Papist at any time since the said First Day of January One thousand seven hundred and three, or by any such Papist together with his then Protestant Wife, who hath turned Papist as aforesaid, whereby any Protestant or Protestants are barr'd of any Estate in Reversion or Remainder, whereunto such Protestant or Protestants was or were intitled at the time of levying such Fine or Fines, or suffering such Recovery or Recoveries, or making such Conveyances, shall, as to such Protestant or Protestants, be null and void; and that such Protestant or Protestants shall become intitled unto, and Seized of such Lands or Tenements according to such Estate, as he, she or they had in such Lands, Tenements or Hereditaments, at the time of perfecting such Conveyances, or Levying such Fines, and suffering such Recoveries, as if such Fine or Fines, Recovery or Recoveries, Conveyance or Conveyances, had not been levied, suffered or made.

IX. Provided always, that nothing herein Contained shall Extend to Impeach or avoid any Purchase or Mortgage Estate or Incumbrance, really and bona fide, made for full and valuable Consideration to any Protestant or Protestants what-

whatſoever: Subject nevertheleſs to all ſuch Debts and real Incumbrances at the Time of the Deceaſe of ſuch Papiſt, charging ſuch Eſtate as the ſame would have been Subject to upon the Deſcent thereof, according to the true Intent and Meaning of the ſaid Act, and this preſent Act.

X. Provided nevertheleſs, That every ſuch Proteſtant in Remainder or Reverſion, as aforeſaid, ſhall have the Right, Condition or Equity of Redemption, of all and every ſuch Mortgages or Incumbrances.

XI. And whereas by the aforeſaid Act to prevent the further Growth of Popery, among other Things it is Enacted in theſe Words; (that is to ſay,) And be it further Enacted by the Authority aforeſaid, That all Lands, Tenements or Hereditaments, whereof any Papiſt now is, or hereafter ſhall be Seized in Fee-Simple or Fee-Tail, ſhall from henceforth, ſo long as any Papiſt ſhall be Seized of, or Intitled to the ſame in Fee-Simple or Fee-Tail, be of the Nature of Gavel-kind: And if not Sold, Aliened or Diſpoſed of, by ſuch Papiſt in his Life-Time, for good and valuable Conſideration of Money really and *bona fide* paid; ſhall for ſuch Eſtate from ſuch Papiſt deſcend to, and be inherited by all and every the Sons of ſuch Papiſt any way inheritable to ſuch Eſtate, Share and Share like; and not deſcend on or come to the eldeſt of ſuch Sons only, being a Papiſt, as Heir at Law, and ſhall in like Manner from ſuch reſpective Sons, being Papiſts, deſcend to and be inherited by all and every the Sons of ſuch Sons, Share and Share like, and not deſcend to the eldeſt of ſuch Sons, being a Papiſt, as Heir at Law only. And that for want of Iſſue-Male of ſuch Papiſt, the ſame ſhall deſcend to all his Daughters any way inheritable to ſuch Eſtate, in equal Proportions. And for want of ſuch Iſſue, among the Collateral Kindred of ſuch Papiſt, of the Kin of his Father, any way inheritable to ſuch Eſtate, in Equal Degree. And for want of ſuch Kindred, to the Collateral Kindred of ſuch Papiſt of the Kin of his Mother, any way inheritable to ſuch Eſtate, and not otherwiſe, notwithſtanding any Grant, Settlement or Diſpoſition, by Will or otherwiſe, that ſhall be made by ſuch Papiſt, other than ſuch Sale, Alienation or Diſpoſition to be made by ſuch Papiſt, as aforeſaid: Subject nevertheleſs to all ſuch Debts and real Incumbrances, at the time of the Deceaſe of ſuch Papiſt charging ſuch Eſtate. The Caſe of Gavel kind.

XII. And whereas ſome Doubts have Ariſen upon the firſt Words of the ſaid Clauſe, that is to ſay, from what Time that Clauſe, or part of the ſaid Act was to take effect, whether from the firſt Day of the Seſſion of that Parliament wherein the ſaid Act was made, or from any and what other Day or Time: Be it therefore Declared and Enacted by the Authority aforeſaid, That the aforeſaid recited Clauſe, or part of the ſaid Act, ſhall be Deemed, Conſtrued, and Adjudged to Take effect from the firſt Day of that Seſſion of Parliament; and that all ſuch Settlements, and all ſuch Bargains and Sales, Releaſes, Feoffments and other Conveyances whatſoever, and all Fines and Recoveries Made, Executed, Levied or Suffered by any Papiſt, of any Lands, Tenements or Hereditaments, ſince the ſaid firſt Day of that Seſſion of Parliament, to elude the ſaid Act, or which may any way Prevent or Hinder ſuch Lands, Tenements or Hereditaments from deſcending or going in Gavel-kind, or to the eldeſt Son of any Papiſt, turning Proteſtant, according to the true Intent and Meaning of the ſaid Act, be Null, Void, and of none Effect. The time of Settlement commencing.

XIII. Provided that nothing herein contained ſhall extend, or be conſtrued to extend, to any Lands, Tenements or Hereditaments, Sold, Aliened, Diſpoſed of, or Settled, after the

Twenty First of September, One thouſand ſeven hundred and three, and before the Twenty Fifth of March, One thouſand ſeven hundred and four, for good and valuable Conſiderations of Marriage or of Money, bona fide paid, or to ſuch reaſonable Maintenances and Portions for Daughters and Younger Children, as ſuch Lands, Tenements or Hereditaments were, are or ſhall be charged with, according to the ſaid Act; but that ſuch Sales, Diſpoſitions or Settlements, ſhall Stand and Remain of Force for the Benefit of the ſeveral Purchaſers of ſuch Lands, Tenements or Hereditaments, and of the Perſons Parties to the ſaid Marriage or Marriage-Articles, and of ſuch Woman as ſhall have any Joynture Settled on her in Conſideration of ſuch Marriage, and of the Iſſue of ſuch Marriage, according to the Scope and Intent of ſuch Marriage-Settlement, and for the Benefit of no other Perſon whatſoever; any Thing in this or the ſaid recited Act to the contrary notwithſtanding.

The Caſe of Perſons Converted.

XIV. Provided always, and be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons who hath or have turned, or ſhall turn from the Popiſh to the Proteſtant Religion as by Law Eſtabliſhed, ſhall be Deemed or Taken to be a Proteſtant within the Intention of this Act, or the former Act, or ſhall take Benefit thereby, notwithſtanding ſuch Perſon ſo profeſſing himſelf a Proteſtant, ſhall purſuant to this or the ſaid former Act to prevent the further Growth of Popery, procure the Certificate of the Biſhop of the Dioceſs, as is herein and hereby or by the ſaid former Act directed, unleſs ſuch Perſon and Perſons, ſhall within the ſpace of Six Months then next after ſuch Perſon or Perſons declaring himſelf or themſelves a Proteſtant or Proteſtants, or within ſix Months after ſuch Perſon or Perſons ſhall attain the age of Eighteen Years, or thoſe who have already been Converted, do before the Twenty Fifth of December One thouſand Seven Hundred and nine, or within three Months after he or they ſhall return into this Kingdom, in caſe he or they be now out of the Kingdom, Take and Receive the Holy Sacrament of the Lord's Supper, according to the Order and Uſage of the ſaid Church of Ireland, and Make and Subſcribe the Declaration, purſuant to an Act, Intituled, An Act to prevent the further Growth of Popery, and ſhall alſo take the Oath of Abjuration, and ſhall File in the High Court of Chancery, or ſome other of Her Majeſty's Four-Courts at Dublin, a Certificate or Certificates thereof, in like manner as the Biſhops Certificate is to be Filed, for which Certificate, no greater Fee ſhall be taken than Six pence, any thing herein or in the ſaid former Act againſt the further Growth of Popery, contained to the contrary in any wiſe notwithſtanding.

Their Children to be bred Proteſtants, the penalty if not.

XV. And be it further Enacted by the Authority aforeſaid, That every Perſon that now is or hereafter ſhall be Converted from the Popiſh to the Proteſtant Religion, and Conform himſelf to the Church of Ireland as by Law Eſtabliſhed, and ſhall have, hold or enjoy any Imployment, Office or Place of Profit or truſt, by virtue of any Commiſſion, Grant or Authority from Her Majeſty, Her Heirs or Succeſſors, or be a Member of either Houſe of Parliament, or Practiſe as Barriſter at Law, Attorney or Solicitor, or Officiate as Officer in any of Her Majeſty's Courts of Law or any other Court whatever, ſhall cauſe all his Children under the Age of fourteen Years at the time of the Converſion of ſuch Parent,

tent, to be Educated in the Protestant Religion as by Law Established, and for Default thereof, such Imployment, Office or Place of Profit or Trust, is hereby declared Null and Void, and such Member of Parliament shall be incapable to Sit or Vote in either House of Parliament, and the Party offending, for ever incapable to have, hold and enjoy any Imployment, Office or Place of profit or trust under Her Majesty, Her Heirs or Successors, and that every such Barrister, Attorney, Solicitor and Officer, shall be incapable of practising as Barrister, Attorney or Solicitor, privately or publickly, or Officiating in any of the Courts aforesaid.

May be chose Constables, &c.

XVI. Provided that nothing herein contained shall Extend or be construed to Extend to the Office of High-Constable, Petty, Constable, Tything Man, Headborough, Overseer of the Poor Church-Wardens, Surveyors of the High-Ways, or any like inferior Civil Office in the Kingdom.

XVII. And whereas several Persons of the Popish Religion in this Kingdom, in the Settlements of their several Estates, have Power reserved or given to make and settle in Jointure on any Wife, either particular Lands or Tenements therein mentioned, or by way of Rent-charge out of the Lands, Tenements or Hereditaments in such Settlement, or out of some part thereof or by some other way, and after such Settlement, such Person to whom such Power is given or reserved, hath Married or may Marry some Woman of the Popish Religion, which Woman after such Marriage may during the continuance thereof, be inclined to renounce the Errors and Superstitions of the Church of Rome, and become of the Protestant Religion as by Law Established, but may be discouraged or deterred from the doing thereof, by reason that her Popish husband hath not executed such power to appoint a Jointure, nor will likely do the same after such Wife is become a Protestant as aforesaid.

In case a Wife become a Protestant

XVIII. Be it further Enacted by the Authority aforesaid, That if any Woman who was a Papist at the time of her Marriage with a Popish Husband, who hath any power reserved to him on any Settlement, making him Tenant for Life to limit or appoint any Jointure on such Wife, and yet hath not or shall not execute such power in his Life time, If such Woman shall become a Protestant, and Enrol a Certificate thereof from the Bishop of the Diocess, and also Receive the Sacrament according to the Usage and Order of the Church of Ireland as by Law Established, if such Woman Survive her said Popish Husband, she shall have and enjoy such provision as the Lord Chancellor, or Lord Keeper, or Commissioners of the Great Seal for the time being, upon a Bill grounded upon this Act, shall think reasonable and fit to Adjudge, not exceeding the power reserved in such Settlement.

XIX. And for the further Encouragement of such Popish Wife to become a Protestant as aforesaid, in the Life time of her Popish Husband: Be it Enacted by the Authority aforesaid, That such Popish Wife, or Wives, of such Popish Husband or Husbands, who is or are now become a Protestant or Protestants, or shall hereafter become a Protestant or Protestants, in the Life of such Popish Husband or Husbands, shall have and receive such proportion or share, not being otherwise provided for by vertue of any Agreement before Marriage, or by reason of Dower or Jointure, or other Estate, Charge or Interest, out of the Free-hold and Inheritance

ritance of ſuch Husband, before or after ſuch Marriage, of the Chattles Real and Perſonal, of her or their Popiſh Husband or Husbands whereof he or they ſhall Dye poſſeſſed of or Intitled unto, as the High Court of Chancery ſhall on a Bill to be preferred by ſuch Widow or Widows grounded on this Act, think reaſonable, not exceeding one Third part after Debts and Funeral Charges, notwithſtanding any Will or voluntary Alienation or Diſpoſition to be made by any ſuch Popiſh Husband or Husbands to the contrary, and notwithſtanding an Act made in the Seventh Year of the late King William the Third, of Glorious Memory, Intituled, An Act for the better ſettling Inteſtates Eſtates, to the contrary thereof in any wiſe notwithſtanding.

Concerning Popiſh Schools and School-maſters.

XX. And whereas by an Act made in the Seventh Year of King William the Third, of Glorious Memory, it is Enacted, that no Perſon whatſoever of the Popiſh Religion ſhall publickly, or in private Houſes, teach School, or inſtruct Youth in Learning within this Realm, upon the pain of Twenty Pounds, and alſo of being committed to Priſon without Bail or Mainprize, for the ſpace of Three Months for every ſuch Offence: Which Law hath proved Ineffectual, and that notwithſtanding the ſame, many Perſons of the Popiſh Religion do continue to keep publick Schools for the Inſtruction of Youth, and when proſecuted by Preſentment of the Grand Jury for ſo doing, do abſcond or repair to other Counties to keep publick Schools, and thereby Evade and Eſcape the Pains and Punishments Impoſed by the ſaid Act.

In caſe that Proteſtant School-maſters do combine with Popiſh School-maſters, the Forfeiture.

XXI. And whereas ſeveral Proteſtant School Maſters, to encreaſe the Numbers of their Scholars, do chuſe to combine with ſuch Papiſts, rather than proſecute ſuch Popiſh School-Maſters, and to elude the ſaid Act, do entertain ſuch Perſons profeſſing the Popiſh Religion to be Ushers, Under-Maſters or Aſſiſtants, to teach and inſtruct Youth in Learning under ſuch Proteſtant School Maſters, who frequently thereby become negligent of their ſaid Schools, and leave the Inſtruction of the Youth, as well the Proteſtant as Popiſh Scholars, to the Care and Inſtruction of ſuch Popiſh Under School-Maſter, Uſher or Aſſiſtant ſo by them entertained and allowed, whereby Popery doth continue to grow, and is Propagated in this Kingdom: For Remedy whereof, Be it Enacted by the Authority aforeſaid, That whatſoever Perſon of the Popiſh Religion ſhall publickly teach School, or ſhall Inſtruct Youth in Learning in any private Houſe within this Realm, or ſhall be entertained to Inſtruct Youth in Learning as Uſher, Under-Maſter or Aſſiſtant, by any Proteſtant School-Maſter, he ſhall be eſteemed and taken to be a Popiſh Regular Clergyman, and to be proſecuted as ſuch, and incur ſuch Pains, Penalties and Forfeitures as any Popiſh Regular Convict is liable unto by the Laws and Statutes of this Realm. And that no Perſon whatſoever, after the Firſt Day of November, One thouſand ſeven hundred and nine, ſhall be qualified to teach or keep School publickly, or teach and inſtruct Youth in Learning in any private Houſe, or as Uſher or Aſſiſtant to any Proteſtant School-maſter, who ſhall not firſt, or at the next General Aſſizes or General Quarter-Seſſions of the Peace to be held for the County where ſuch Perſon ſhall Inhabit or Reſide, after ſuch Perſon is ſo entertained, take the Oath of Allegiance, and make and ſubſcribe the Declaration, and take and ſubſcribe the Oath of

Abju-

Abjuration, as in the ſaid Act againſt the further Growth of Popery is directed and expreſſed. And if any Perſon after the ſaid Firſt Day of November, One thouſand ſeven hundred and nine, ſhall offend herein, he ſhall forfeit the Sum of Ten Pounds for every ſuch Offence: And if any Perſon ſhall entertain any one not qualified as aforeſaid, as Tutor, Under-maſter, Uſher or Aſſiſtant, he ſhall forfeit the Sum of Ten Pounds for every ſuch Offence, the one Moiety of which ſaid ſeveral Forfeitures ſhall go to the Informer, the other Moiety (the expence of the Proſecution being firſt deducted) to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed, to be recovered in a Summary Way by Civil Bill, before the Judge or Judges of Aſſize in Court, and for the County and County of the City of Dublin, ſuch Forfeitures to be recovered before the Juſtices of the Peace at their General Quarter-Seſſions. The Forfeiture.

XXII. And whereas in the Second Year of Her preſent Majeſty's Reign a good Law paſt in this preſent Parliament, Intituled, An Act to prevent Popiſh Prieſts from coming into this Kingdom; which was to continue and be in Force for Fourteen Years, and to the end of the next Seſſion of Parliament after the Expiration of the ſaid Fourteen Years, and no longer; which Act is fit to be made perpetual.

XXIII. And whereas one other good Act paſt in the Second Seſſion of this preſent Parliament, Intituled, An Act to explain and amend an Act for Regiſtring the Popiſh Clergy, which was to continue in Force to the Twenty firſt of September, which was in the Year of our Lord One thouſand ſeven hundred and eight, and to the end of the then next Seſſion of Parliament, and no longer; which laſt mentioned Act is alſo fit to be continued and made perpetual.

XXIV. Be it therefore Enacted by the Authority aforeſaid, that the ſaid firſt mentioned Act to prevent Popiſh Prieſts coming into this Kingdom, and alſo the ſaid laſt mentioned Act, Intituled, An Act to explain and amend an Act for Regiſtring the Popiſh Clergy, be, and they and each of them is and are hereby made perpetual. The Act for Preventing the coming of Popiſh Prieſts, and Regiſtring made perpetual, &c.

XXV. And to the end that every Popiſh Prieſt, who at any time before the making of the ſaid Act for Regiſtring the Popiſh Clergy, did turn Proteſtant, and all ſuch Popiſh Prieſts who have been Regiſtered purſuant to the ſaid Act, and have ſince or ſhall at any time become Proteſtants, and ſhall be approved of as Converts, and received into the Church by the Arch-Biſhop or Biſhop of the Dioceſs wherein he or they lived or reſided, and Conforming him or themſelves to the Church of Ireland as by Law Eſtabliſhed, and having taken the Oaths, and Made and Subſcribed the Declaration in ſuch manner as the Conformable Clergy to the ſaid Church of Ireland are obliged to do, at any Quarter-Seſſions in any County or City as aforeſaid.

XXVI Be it Enacted by the Authority aforeſaid, That every ſuch Converted Prieſt or Prieſts, or who ſhall be Converted within the term of Seven Years, to be accounted from and after the ſaid Firſt Day of September One thouſand ſeven hundred and nine, ſhall have and receive the Sum of Thirty Pounds Sterl. Yearly, and every Year and no more, by virtue of this or any former Act, during their Reſidence in ſuch County for their Maintenance, and until he or they are otherwiſe provided for by ſome Eccleſiaſtical Benefice or Curacy,

of the like or greater Value, subject nevertheless to Suspension or Deprivation, of the Arch-Bishop or Bishop of the Diocess wherein he or they shall Dwell or Reside, in like manner as any of the inferior Clergy of this Kingdom, are subject to; the said Sum of Thirty Pounds, to be Levied on the Inhabitants of such County or Counties of Cities or Towns where such Converted Priest or Priests did last Reside, in like manner as Money is Levied that is Charged by Grand-Juries upon the said County, or Counties of Cities or Towns, and to be paid him or them by equal parts, that is to say, one Moiety at the Feast of the Annunciation of the Blessed Virgin Mary, and the other Moiety at the Feast of St. Michael the Arch-Angel in every Year, and every such Convert or Converts shall, and he and they are hereby required under penalty of Forfeiting his or their Allowance or Allowances as aforesaid, publickly to Read the Common-Prayer or Liturgy of the Church of Ireland, and Preach once a Week in the English or Irish Tongue, in such places and at such times as the said Arch-Bishops or Bishops shall direct or appoint.

The Penalty if a Popish Parish Priest keeps a Curate.

XXVII. And Be it further Enacted by the Authority aforesaid, That no Popish Parish Priest shall keep or have any Popish Curate, Assistant or Coadjutor, and that every Popish Parish Priest, that shall keep any such Popish Curate, Assistant or Coadjutor, shall lose the Benefit of having been Registered, and shall incur and suffer all the pains and penalties of a Popish Regular, and shall be prosecuted as such, and that every such Popish Curate, Assistant or Coadjutor, shall be deemed and taken as a Popish Regular, and shall be prosecuted and proceeded against accordingly.

XXVIII. And whereas in a Parliament holden in the Ninth Year of the Reign of our Sovereign Lord King William the Third, of Glorious Memory, the Statute hereafter mentioned was Enacted (that is to say) An Act for Banishing all Papists Exercising Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom, which Act, for want of Encouragement to Discoverers, hath proved in a great measure ineffectual, and therefore for the better putting the same and this present Act, and the aforementioned Statutes in Execution.

Encouragement for discovering any Popish Clergy.

XXIX. Be it further Enacted by the Authority aforesaid, That if any Person after the First Day of September One thousand seven hundred and nine, shall discover any Arch-Bishop, Bishop, Vicar-General, Dean, Jesuit, Monk, Fryer, or any other Regular Popish Clergy-man, or any Papist exercising any Ecclesiastical Jurisdiction, or any secular Popish Clergy-man, who hath not been Legally Registred, or any Popish School-Master, or any Papist, Teaching or Instructing Youth in private Houses as Tutor or as Usher, Under-Master, or Assistant to any Protestant School-Master, so as the said Regular or Secular Clergy-man or Popish School-Master, Tutor or Usher, Under-Master, or Assistant to any Protestant School-Master, be Apprehended and Legally Convicted, every Person making such Discovery, shall receive as a Reward for the same, the several Sums following, that is to say, the Sum of Fifty Pounds Sterl. for every Arch-Bishop, Bishop, Vicar-General, or other Person exercising any Foreign Ecclesiastical Jurisdiction in this Kingdom, and the Sum of Twenty Pounds Sterl. for each Regular

Regular Clergy-man, and each Secular Clergy-man not Registred pursuant to the said former Act, and the Sum of Ten Pounds Sterl. for each Popish School-Master, Tutor, Usher, Under-Master or Assistant, to be Levyed on the Popish Inhabitants, of the County or County of the City, or Town where such Regular or Secular Popish Clergy-man did respectively exercise such Foreign Jurisdiction, or Officiate as a Popish Priest, and where such Popish School-Master, Tutor, Usher, Under-Master or Assistant, Taught or Instructed Youth, or did most commonly Reside, and shall be Convicted thereof as aforesaid, the same to be Levyed in such manner, and on such Persons, as Money for Robberies, by a late Act against Tories, Robbers and Rapparees, is to be Levyed where the Robbery or Burglary is presented by the Grand-Jury, to be Committed by Papists only, and to be Levyed in the County of Dublin, and County of the City of Dublin, in such manner and on such Popish Persons, as other publick Money is Levyed at the General Quarter-Sessions of the Peace, in the said County or County of the said City.

Any two Justices of the Peace one to be of the *Quorum*, may summon any Popish Person above 16 to give Testimony.

XXX. And for the more effectual Discovery of such Popish Regular Clergy-man, Popish Priests and Popish School-Masters, Tutors, Ushers, Under-Masters and Assistants to Protestant School-Masters, be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any two Justices of the Peace whereof one to be of the Quorum, by Warrant or Warrants under their Hands and Seals, directed to any Constable or Constables within the said County, to Summons any Popish Person of the Age of Sixteen Years or upwards, to appear before such Justices at a certain time and place in the said Warrant or Warrants to be expressed, within three Days after the Date of the said Warrant or Warrants, so that the said place of Appearance be not above Five Miles from the Habitation of the said Person; and if the said Person so Summoned, shall neglect or refuse to appear accordingly, or appearing shall refuse to give his Testimony upon Oath where and when he heard or was present at the Celebration of the Popish Mass as the same is used in the Church of Rome, and who Celebrated the same, and who and what Persons were present at the Celebration thereof, and likewise for and touching the Being, Residence and Abode of any Popish Regular Clergy-man, or any such Popish Secular Priest as aforesaid, or of any Popish School-Master, Tutor, Usher, Under-Master or Assistant to any Protestant School-Master, who may be Disguised, Concealed or Itinerant in the Country, and also fully answer to all such Matters, Circumstances and Things, for and touching such Popish Persons offending contrary to this and the former Act to prevent the further Growth of Popery, such Person so refusing or neglecting to appear, or to answer as aforesaid, shall be committed by the said Justices to the common Goal, there to remain without Bail or Mainprize for the space of Twelve Months, unless he or she shall pay down a Sum not exceeding Twenty Pounds, to be paid to the Minister, Church-Wardens and Overseers of the Poor of the Parish where such Offender shall Inhabit or Reside, for the Use of the Poor of the said Parish; who are hereby Declared and Enacted to be accountable for all such Moneys so received by

vertue of this Act, in such manner as any other Moneys received for the Use of the said Parish are to be accountable for.

XXXI. Provided, That every Examination to be given in pursuance of this Act, shall be for such of the said Offences only as were committed within Thirty Days before such Examination; and that no such Examination shall subject the party examined to any Prosecution, Penalty or Forfeiture whatsoever, or be admitted to be given in Evidence against the Person so examined, unless such Person shall be Indicted for having committed wilful Perjury in such Examination; and the Person so examined and confessing, shall and is hereby discharged of and from any Prosecution or Penalties, or Forfeitures by him incurred by reason of any Offence so confessed as aforesaid, and not otherwise.

XXXII. And be it further Enacted by the Authority aforesaid, That all and every Popish Priest and Priests who have been Registred in pursuance of the said former Act for Registring the Popish Clergy, shall take the Oath of Abjuration before the Twenty fifth Day of March, One thousand seven hundred and ten, in one of the Four Courts at Dublin, or at some Quarter-Sessions to be held for the respective Counties, Cities or Towns where such Popish Priest or Priests have been Registred; and upon Neglect or Refusal, and after the said Twenty fifth Day of March Celebrating Mass, or Officiating as a Popish Priest, such Popish Priest shall incur and suffer such Pains, Penalties and Forfeitures as a Popish Regular Clergy-man convict by the Laws and Statutes of this Realm is liable unto.

Any of Sixteen Years or upwards may be Summoned to take the Oaths, and Subscribe the Declaration.

XXXIII. And forasmuch as many Irish Papists in this Kingdom at the time when the pretended Prince of Wales taking upon himself the Stile and Title of King of England, by the Name of James the Third, did attempt to invade Her Majesty's Dominions in the North part of Great Britain with a French Power, did refuse to give Their Excellencies the then Lords Justices and Chief Governors of this Kingdom, Testimony and Assurance of their Fidelity and Loyalty to Her Majesty, and of their Affection to Her Government and the Protestant Succession as by Law Established, by taking and subscribing the Oath of Abjuration as the same is appointed to be taken by an Act of Parliament in England, Intituled, An Act to declare the Alterations in the Oath appointed to be taken by an Act, Intituled, 'An Act for the further Security of 'Her Majesty's Person, and the Succession of the Crown in the Pro-'testant Line, and for extinguishing the Hopes of the pretended Prince 'of *Wales*, and all other Pretenders and their open and secret Abbet-'tors, and for declaring the Association to be determined: Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for any two or more Justices of the Peace, within any County, or County of a City, or County of a Town in this Kingdom, by Warrant or Warrants under their and every of their Hands and Seals, directed to any Sheriff, Constable or other Officer, to Summon any Man of the Age of Sixteen Years, or upwards, to appear before such Justices, and take and subscribe the Oath of Abjuration before mentioned.

The Punishment if refusing to come.

XXXIV. And if the said Person so Summoned shall neglect or refuse to appear (not having some lawful Impediment) or appearing, shall refuse to take and subscribe the said

ſaid Oath, being tendered to him by the ſaid Juſtices, then it ſhall and may be lawful for ſuch Juſtices of the Peace to commit ſuch Perſon to the Common Goal or Houſe of Correction for the ſpace of three Months, or until he ſhall take the ſaid Oath, there to remain without Bail or Mainprize, unleſs the ſaid Offender ſhall pay down to the Juſtices a Sum not exceeding Forty Shillings Sterling, as the ſaid Juſtices ſhall require; which Money ſhall be paid to the Church-Wardens or Overſeers of the Poor of ſuch Pariſh or Place where ſuch Offender ſhall Inhabit or Reſide, and ſhall be for ever incapable of obtaining or having any License to carry, have or keep any Arms; and ſuch License (if obtained) is hereby declared to be null and void to all Intents and Purpoſes: And from and after the ſpace of three Months after ſuch Default or Refuſal, it ſhall and may be lawful for two or more ſuch Juſtices as aforeſaid, to direct their Warrant or Warrants as aforeſaid, to Summon ſuch Offender to appear before them, to take and ſubſcribe the ſaid Oath; and if the ſaid Offender ſhall neglect or refuſe to appear accordingly, or ſhall appear, and upon tender of the ſaid Oath refuſe to take and ſubſcribe the ſame, it ſhall and may be lawful to and for the ſaid Juſtices of the Peace to commit the ſaid Offender to Goal for the ſpace of Six Months, unleſs the ſaid Offender ſhall pay down a Sum of Money not exceeding Ten Pounds, nor under Five Pounds as the ſaid Juſtices ſhall require, to be diſpoſed of to the Relief of the Poor as aforeſaid, and the Offender to be bound with two ſufficient ſureties with Condition to appear at the next Aſſizes or General Goal Delivery for the County wherein ſuch Offender ſhall Inhabit or Reſide, or at the General Quarter-Seſſions of the Peace in the County of Dublin and County of the City of Dublin, if he ſhall be an Inhabitant of the ſaid County or County of the ſaid City, and in the mean time to be of the good Behaviour; at which Aſſizes or General Goal Delivery, or General Quarter-Seſſions of the Peace, the ſaid Oath ſhall be tendered to the ſaid Offender, by the Juſtices of Aſſize in their open Aſſizes, or by the Juſtices of the Peace at their General Quarter-Seſſions in the ſaid County of Dublin, and County of the City of Dublin; and if the Offender ſhall refuſe to take and ſubſcribe the ſaid Oath, he ſhall incur the Penalties of Premunire as he and are expreſt in the Statute made in the Sixteenth Year of the Reign of Richard the Second.

XXXV. Provided always, That whereas there are certain Proteſtant Diſſenters called Quakers, who ſcruple the taking any Oath, any ſuch Quaker producing a Certificate under the Hands and Seals of Six or more credible Men of their Society, owning him to be one of them, and two of the Subſcribers appearing with the Perſon for whom they certifie, before any Juſtice or Magiſtrate who ſhall require the ſame, and he making and ſubſcribing the following Declaration, ſhall be exempted from the ſeveral Fines and Penalties mentioned in this ſaid Act.

The Quakers Declaration.

I *A. B.* do ſolemnly and ſincerely Profeſs, Teſtify and Declare, that I do believe that in the Sacrament of the Lord's Supper there is not any Tranſubſtantiation of the Elements of Bread and Wine into the Body and Blood of Chriſt, at or after the Conſecration thereof, by any Perſon whatſoever; and that the Invocation and Adoration of the Virgin

Mary, or any other Saint, and the Sacrifice of the Maſs, as they are now uſed in the Church of *Rome*, are Superſtitious and Idolatrous. And I do ſolemnly Profeſs, Teſtify and Declare, that I do make this Declaration, and every Part thereof, in the plain and ordinary Senſe of the Words read unto me, as they are commonly underſtood by Proteſtants, without any Evaſion, Equivocation or Mental Reſervation whatſoever, and without any Diſpenſation already Granted me for this purpoſe by the Pope, or any other Authority or Perſon whatſoever; or without any Hope of any Diſpenſation from any Perſon or Authority whatſoever, or without believing that I am or can be Acquitted or Abſolved of this Declaration, or any part thereof, although the Pope, or any other Perſon or Perſons, or Power whatſoever, ſhould Diſpenſe with or Annul the ſame, or Declare that it was null and void from the Beginning.

I *A. B.* do ſolemnly and ſincerely Acknowledge, Teſtify and Declare, that our Sovereign Lady Queen *ANNE* is Lawful and Rightful Queen of this Realm, and of all other Her Majeſty's Dominions and Countries thereunto belonging. And I do ſolemnly and ſincerely Declare, that I do believe in my Conſcience that the Perſon pretended to be Prince of *Wales* during the Life of the late King *James*, and ſince his Deceaſe pretending to be and taking on himſelf the Stile and Title of King of *England* by the Name of *James* the Third, hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereunto belonging. And I do Renounce and Refuſe any Allegiance or Obedience to him. And that I will bear Faith and true Allegiance to Her Majeſty Queen *ANNE*, and Her will defend to the utmoſt of my Power againſt all Traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt Her Perſon, Crown or Dignity: And I will do my beſt Endeavour to diſcloſe and make known to Her Majeſty and Her Succeſſors, all Treaſons and Traiterous Conſpiracies which I ſhall know to be againſt Her, or any of them. And I do Faithfully promiſe to the utmoſt of my Power to Support, Maintain and Defend the Limitation and Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is and ſtands Limited by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succeſſion of the Crown to Her preſent Majeſty and the Heirs of Her Body, being Proteſtants.* And as the ſame by one other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject, is and ſtands Limited after the Deceaſe of Her Majeſty; and for Default of ſuch Iſſue of Her Majeſty, to the Princeſs* Sophia, *Electoreſs and Dutcheſs Dowager of* Hannover, *and the Heirs of Her Body, being Proteſtants.* And all theſe things I do plainly and ſincerely Acknowledge according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and Underſtanding of the ſame Words, without any Equivocation, Mental Evaſion or Secret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Renunciation and Promiſe heartily, willingly and truly.

XXXVI. **And whereas by an Act paſt in the Second Year of the Reign of Her preſent Majeſty, Intituled,** An Act for Regiſtring the Popiſh Clergy of this Kingdom, **it is Enacted,** That every Popiſh Prieſt in this Kingdom ſhall return his and their Names and Places of Abode to the reſpective Clerks of the Peace in the ſeveral Counties where ſuch Popiſh Prieſt ſhall Dwell or Reſide, and give ſufficient Sureties not to Remove out of ſuch County where his or their Place or Places of Abode do lie.

XXXVII. **And whereas in Contempt of the ſame it is notorious that ſeveral of the ſaid Popiſh Prieſts ſo Regiſtred have removed to other Counties, and Officiated as Popiſh Prieſts**

Priests in other Parishes than where they were Registred, and also the Sureties taken before the Clerks of the Peace were either insufficient at the time of the taking thereof, or are become so, or since dead. And that Popish Priests meet in great Numbers at Burials, and on other Occasions, where they have great Opportunity to form Designs against the Publick Peace: And also at other times meeting in great Numbers, they have conferred Popish Holy Orders on Popish Priests who were not Popish Priests at the time of the Registring the Popish Clergy of this Kingdom, which they perform by laying on of the Hands of many of the said Popish Priests together, to the intent that the Party himself so receiving the said Holy Orders, may not know in whom the Power of conferring such Popish Holy Orders was lodged.

No Papist Priest to Officiate, save where he was Registred for.

XXXVIII. For the more effectual preventing the Mischiefs aforesaid, Be it Enacted by the Authority aforesaid, That from and after the First Day of September, One thousand seven hundred and nine, no Popish Priest whatsoever shall Officiate or Exercise the Office or Function of a Popish Priest, in any Parish within any County of this Kingdom, but in the Parish where the said Popish Priest did Officiate at the time of the Registring the Popish Clergy of this Kingdom, and for which Parish also he was Registred, and in no other Parish whatsoever, under the Pains, Penalties and Forfeitures as any Popish Regular Convict is liable unto by the Laws and Statutes of this Realm, any thing in the said Act for Registring the Popish Clergy in this Kingdom, or any other Act to the contrary in any wise notwithstanding.

No Popish Priest to Marry a Protestant to a Papist.

XXXIX. And whereas by an Act of Parliament past in this Kingdom in the Sixth Year of the Reign of Her present Majesty, it is Enacted, That if any Popish Priest shall after the time therein expressed, Celebrate Matrimony between any persons, knowing at the time of such Marriage they or either of them is of the Protestant Religion; that every such Popish Priest so offending, and being thereof lawfully Convicted, shall be deemed, judged and reputed to be a Popish Regular Clergyman. Now to the end that no Popish Priest may pretend that he did not know either of the Parties at any time so Married by him to be of the Protestant Religion, Be it Enacted by the Authority aforesaid, That if any Popish Priest shall after the First Day of September, One thousand seven hundred and nine, be prosecuted for offending contrary to the said Statute, and that it doth appear that the said Persons so Married, or any one of them, was or were a Protestant or Protestants at the time of the Marriage; it shall be presumed, allowed and concluded to all Intents and Purposes, that the said Popish Priest so accused did Celebrate Matrimony between the said Persons, knowing at the time of such Marriage that they or one of them were of the Protestant Religion, unless the said Popish Priest shall produce and prove a Certificate or Certificates under the Hand and Seal, or Hands and Seals of the Minister or Ministers of the Parish or Parishes where the Parties so married did at the time of the said Marriage respectively inhabit or reside, Certifying that the said Person or Persons were not of the Protestant Religion at the time of the Celebration of the said Marriage.

XL. And whereas the said Act to prevent the further Growth of Popery, and several other Acts of Parliament, have been most notoriously eluded by several Papists and others in Trust for them, who have purchased several Lands, Tenements and Hereditaments, and taken Leases contrary to the true Intent and Meaning of the said Act; and have also taken Collateral and other Securities by Mortgages, Judgments and Statutes to cover, support and secure such their Purchases and Leases: For Remedy whereof, and for the better enforcing the Execution of the said Acts, Be it further Enacted and Declared by the Authority aforesaid, that all Collateral and other Securities, by Mortgages, Judgments, Statutes-Merchant, or of the Staple or otherwise howsoever, which have been made or entred into, or hereafter shall be made or entred into to cover, support secure or make good any Bargain, Sale, Confirmation, Release, Feofment, Lease or other Conveyance, contrary to the said recited Act, shall be and hereby are declared null and void and of no Effect, to such Person or Persons so purchasing any of the said Lands or Tenements, in Trust for or for the benefit of any Papist or Person professing the Popish Religion, as likewise to any such Papist or Person, his, her or their Heirs and Assigns respectively: And that all such Lands, Tenements and Hereditaments so Conveyed or Leased, or to be Conveyed or Leased to any Papist or Person professing the Popish Religion, or to the use of or in trust of any Papist or Person professing the Popish Religion, contrary to the true intent and meaning of the said Acts; and all such Collateral Securities as are or shall be made or entred into, to cover, support, secure or make good the same, shall and may be Sued for by any Protestant or Protestants, by his or her, or their proper Action, Real, Personal or Mixt, founded on this Act, in any of Her Majesty's Courts of Law, or in any Court of Equity, if the nature of the Case shall require it, and the Plaintiff or Demandant in such Suit, upon proof that such Purchase or Lease was made in Trust for any Papist or Person professing the Popish Religion, or under any Confidence to or for any Papist or such Person professing the Popish Religion, or for his, her or their Benefit or Advantage, by receiving the Rents, Issues or Profits thereof, or otherwise shall obtain a Verdict and Judgment, or a Decree thereupon and shall recover the same, and have Execution to be put into the Seizin and Possession thereof, to hold and enjoy such Lands, Tenements and Hereditaments, according to the Estate, Use, Trust, Interest or Confidence, which such Papist or Person professing the Popish Religion had or should have had therein, had he, she or they been qualified to Purchase, Hold or Enjoy the same, subject nevertheless to all such Rents, Covenants, and Conditions, Reservations, and all Incumbrances and Portions whatsoever, as the same would have been subject to, in the Hands of such Papist, or in the Hands of such Person to whom the same were Sold or Leased, in Trust for such Papist, or Person professing the Popish Religion, or to his, her or their Use, Benefit or Behoof, and shall also have the full benefit of all such Collateral Securities, as the Party or Parties to whom the same are or shall be made might have had, if this or the said former Act to prevent the further Growth of Popery, had not been made.

All Securities, Mortgages, Judgments, &c. to be void,

XLI. Pro-

Lands not formerly vested in the Trustees Leases.

XLI. Provided nevertheless, And be it Enacted by the Authority aforesaid, That every Papist and Person, and Persons professing the Popish Religion, who have in their own Names, or in the Name of any other Person or Persons whatsoever, or any in Trust for them, Purchased any Lands in Fee-simple, or any Leases for Years or Lives, or other Estate or Interest, other than such Lands, Tenements and Hereditaments, as were once vested in the late Trustees for the Sale of Forfeited Estates in Ireland, in Possession, Reversion or Remainder, and which were afterwards divested out of them the said Trustees, and vested in other Persons by any private Act of Parliament in England or Great-Britain; or who have lent any Money on Mortgages or Purchased in any Mortgages in the Name of any Person or Persons in Trust for them, other than Mortgages of such Lands, Tenements and Hereditaments as were once vested in the late Trustees for the Sale of Forfeited Estates in Ireland, in Possession, Reversion or Remainder, and which were afterwards divested out of them the said Trustees, and vested in other Persons by any private Act of Parliament in England or Great-Britain, and have or shall hereafter on or before the Twenty fifth Day of December, One thousand seven hundred and nine, become a Protestant and Enrol a Certificate of the Bishop of the Diocese in which he, she or they respectively inhabit or reside, in the High Court of Chancery in Ireland, testifying his, her or their being a Protestant or Protestants, and conforming him, her or themselves to the Church of Ireland as by Law Established, and shall also receive the Sacrament of the Lord's Supper according to the Usage of the said Church of Ireland, and make and subscribe the Declaration, and shall also take and subscribe the Oath of Abjuration in such manner as is mentioned and expressed in the said Act to prevent the further Growth of Popery; and shall also cause his, her or their Child or Children under the Age of Fourteen Years from the time of such, his, her or their Conversion, to be educated in the Protestant Religion as by Law Established; the Purchase and Purchases, Mortgage and Mortgages, Confirmation and Confirmations, Lease and Leases, and all other Covenants and Agreements made to or by any such Papist or Person professing the Popish Religion, or by or to any in Trust for him, her or them, or to his, her or their Use, other than as before excepted, shall be as good and effectual in Law and Equity, as if he, she or they had been a Protestant or Protestants at the time of such Purchase, Mortgage, Confirmation, Lease, Covenant or Agreement so acquired and made, and not otherwise, to hold and enjoy such Lands, Tenements and Hereditaments so Purchased, Mortgaged, Confirmed or Leased in such and for such Estate as he, she or they might have had, if then a Protestant or Protestants.

XLII. Provided that nothing herein or in any former Act past in this Kingdom contained, shall extend or be construed to weaken any Estate, Right, Title or Interest, of any Protestant Purchaser for valuable consideration Bona fide, from any Person who had purchased in Trust for any Papist, or from any Protestant deriving under such Purchaser, not having notice of such Trust, any thing in this or the before recited Act to the contrary in any wise notwithstanding.

Bills in *Chancery* may be brought.

XLIII. Provided also, and for the better discovery of such Trusts for Papists or Persons professing the Popish Religion, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful for any Protestant or Protestants, to prefer one or more Bill or Bills in Her Majesty's High Court of Chancery or Chancery of the Exchequer, against any Person or Persons concerned in such Sale, Lease, Mortgage or Incumbrance, and against all Persons privy to such Trust or Confidence for Papists or Persons professing the Popish Religion as aforesaid, and to compel such Person or Persons to discover and detect such Trusts and Confidences, and to answer to all Matters and Circumstances relating thereunto as by such Bill or Bills shall be required, to which Bill or Bills, no Plea or Demurrer shall be allowed, but the Defendant shall answer the same at large upon Oath; which Answer shall be good Evidence against the Defendant in Actions, to be brought upon this Act as in such Cases are usual, and that all Issues to be Tryed in any Action or Suit founded upon this Act, shall be Tryed by none but known Protestants.

XLIV. **And whereas by an Act of Parliament made in the Ninth Year of the Reign of His late Majesty King** William **of Glorious Memory, Intituled**, An Act for banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom, **It is Enacted**, That all Popish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Fryars, and all other Regular Popish Clergy, and all Papists exercising Ecclesiastical Jurisdiction, should depart out of this Kingdom before the First Day of *May*, which was in the Year of our Lord One thousand six hundred ninety eight; and if any of the said Ecclesiastical Persons should be at any time after the said First Day of *May* within this Kingdom, they and every of them should suffer Imprisonment, and remain in Prison without Bail or Mainprize, till he or they should be Transported beyond Seas out of Her Majesty's Dominions, whither His then Majesty, His Heirs or Successors, or the Chief Governor or Governors of this Kingdom for the time being, should think fit.

XLV. **And whereas it is further Enacted by the said Statute**, That from and after the Nine and twentieth Day of *December*, which was in the Year of our Lord One thousand six hundred ninety and seven, no Popish Arch-Bishop, Bishop, Vicar-General, Dean, or any other Papist exercising any Ecclesiastical Jurisdiction not Established by the Laws of the Kingdom, Jesuit or Fryar, shall come into the Kingdom from any part beyond the Seas, on pain of Twelve Months Imprisonment, and then to be Transported in manner aforesaid.

XLVI. **And whereas by one other Act made in the Second Year of Her Majesty's Reign, Intituled**, An Act to prevent Popish Priests from coming into this Kingdom, **It is Enacted**, That every Clergy man of the Popish Religion that shall come into this Kingdom at any time after the First Day of *January*, in the Year of our Lord One thousand seven hundred and three, shall be and is thereby declared, to be liable to such Penalties, Forfeitures and Punishments as by the said Act *for banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom*, is imposed on Popish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Fryars, or any other Papists exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom contrary to the said Act.

XLVII. **And whereas by one other Act made in the said Second**

cond Year of Her Majeſty's Reign, Intituled, An Act for Regiſtring the Popiſh Clergy, it is Enacted, That all and every Popiſh Prieſt or Prieſts who ſhall not make ſuch Return, and enter into ſuch Recognizance, as by the ſaid Statute is directed, and be thereof Convict at the Aſſizes or General Quarter-Seſſions of ſuch County or Counties of Cities or Towns wherein he or they ſhall Dwell or be Apprehended, ſhall ſeverally be Committed to the Common Goal of the reſpective Counties, Cities or Towns, where he or they ſhall be ſo Convict, there to remain without Bail or Mainprize till he or they be Tranſported; and that all and every ſuch Popiſh Prieſt or Prieſts ſo Convict, as aforeſaid ſhall be Tranſported out of this Kingdom in like manner as Popiſh Regulars, and that all and every ſuch Popiſh Prieſt or Prieſts, that ſhall neglect to Regiſter him or themſelves as by the ſaid Statute is directed, and ſhall remain in this Kingdom after the Twentieth Day of *July*, in the Year of our Lord One thouſand ſeven hundred and four, ſhall be eſteemed a Popiſh Regular Clergy-man, and Proſecuted as ſuch.

XLVIII. And whereas by one other Act made in the Sixth Year of her Majeſty's Reign, Intituled, An Act for the effectual preventing the taking away and Marrying Children againſt the Wills of their Parents or Guardians, it is Enacted, That if any Popiſh Prieſts ſhall after the Firſt Day of *November*, One thouſand ſeven hundred and ſeven, preſume to Celebrate the Marriage of any Perſon contrary to the true intent and meaning of the ſaid Statute, or ſhall Celebrate Matrimony between any perſons, knowing that at the time ſuch Marriage they or either of them is of the Proteſtant Religion, every ſuch Popiſh Prieſt ſo offending and being thereof lawfully Convicted, ſhall be Deemed, Adjudged and Reputed to be a Popiſh Regular, and ſhall ſuffer the Pains, Penalties and Forfeitures of a Popiſh Regular. Notwithſtanding which ſaid Statutes, ſeveral of the ſaid Popiſh Arch-Biſhops, Biſhops, Vicars-General, Deans, Jeſuits, Fryars, Prieſts, Convict as aforeſaid, and Papiſts exerciſing Eccleſiaſtical Juriſdiction, ſtill remain in this Kingdom, and chuſe to continue in Goal rather than to procure themſelves to be Tranſported; where they do exerciſe their ſaid pretended Eccleſiaſtical Juriſdiction, and officiate as Popiſh Prieſts, and may continue ſo to do.

Popiſh Archbiſhops, &c. may be Tranſported by the Juſtices of the Peace, &c.

XLIX. For remedy whereof, Be it Enacted by the Authority aforeſaid, That all and every Popiſh Arch-Biſhop, Biſhop, Vicar-General, Dean, Jeſuit, Fryar and Papiſt, exerciſing Eccleſiaſtical Juriſdiction, and every Popiſh Prieſt, Popiſh School-Maſter and Papiſts, who by offending againſt this or any former Act, are or ſhall be liable to Tranſportation, ſhall within three Months be Tranſmitted by Order of the Juſtices of Aſſize, or by Order of the Juſtices of the Peace in their General Quarter-Seſſions of the Peace, to the common Goal of the next Sea-Port Town, where he, they and every of them, ſhall remain without Bail or Mainprize, until Tranſported.

Concerning the Ships and Merchants.

L. And be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Maſters of Ships, Merchants and others, to take and receive the Body of ſuch Popiſh Regular Clergy-Man, ſuch Popiſh Prieſt and Popiſh School-Maſter ſo now lying and remaining in Goal, and to be Tranſported, or who may hereafter remain in Goal to be Tranſported, and to Tranſport the ſaid Perſon or Perſons beyond the Seas, out of Her Majeſty's Dominions of Great-Britain and Ireland. And if any Merchant freighting any Ship Outward bound for any Place or Port

Port not within either of the Kingdoms of Great Britain or Ireland, shall refuse to receive the Body or Bodies of such Popish Regular Clergy-man or Popish Priest, or Popish School-master, not exceeding Five, in any one Ship, when required so to do by the Chief Magistrate, or his Deputy of such Place or Port where any such Popish Person aforesaid shall remain in Goal, the Collector and Collectors and other Officer of Her Majesty's Customs are hereby required not to discharge such Ship until such Merchant so freighting the same, or such Master of a Ship shall consent so to do; on pain that such Collector so discharging such Ship, shall forfeit to Her Majesty the Sum of Thirty Pounds Sterling.

What to be given to the Merchant, &c. for Transporting.

LI. And for an Encouragement to the said Merchant or Master of a Ship to receive and Transport the said Person or Persons, it shall and may be lawful for the said Collector of such Port or Place to pay, and they are hereby required to pay to the said Merchant or Master of a Ship the Sum of Five Pounds Sterling for the Transportation of every such Person to any part of the West-Indies not being Subject to Her Majesty, and the Sum of Three Pounds Sterling for the Transportation of every such Person to any place or Port in Europe, not being within Her Majesty's Dominions; the same to be allowed the said Collector on his Accompts, on producing a Receipt of the said Merchant or Master of a Ship, acknowledging a Receipt of the said Sum or Sums, and also a Receipt acknowledging that he hath received the Body of such Popish Regular Clergyman, Popish Priest or Popish School-master; in which Receipt shall be exprest the Name of such Person so to be Transported, and the place where the said Person did last Inhabit or Reside, and the time the said Person hath remained in Goal, and from what County-Goal he hath been transmitted to the said Port or Place; which Receipts shall be testified by the Chief Magistrate or his Deputy of such Port or Place, and which Receipt herein last mentioned shall be Enrolled in the Crown-Office of Her Majesty's Court of Chief Place in Dublin without Fee or Reward, there to remain of Record.

If taken out of the Custody of the Merchant or Master, &c.

LII. And be it further Enacted by the Authority aforesaid, That if any such Popish Regular Clergy-man, Popish Priest or Popish School-master, who shall be found in this Kingdom out of the Custody of the said Merchant or Master of a Ship so receiving the said Person, he shall be deemed and taken to be, and shall suffer such pains, penalties and forfeitures, as are inflicted on any Popish Regular Clergyman who hath been Banished and Returned again into this Kingdom by the Laws and Statutes of this Realm; and the said Merchant or Master of a Ship, shall at the time of receiving the said Sum or Sums from the Collector, and receiving the Body of such Popish Regular Clergy-man, Popish Priest or Popish School-master, enter into a Recognizance to Her Majesty, Her Heirs and Successors, in the penalty of Fifty pounds, to Transport the said Popish Person into some place not within this Kingdom or the Kingdom of Great-Britain, or the Dominions thereunto belonging; which Recognizance shall be entred into by the said Merchant or Master of a Ship, at the time of the Receipt of the respective Sum or Sums of Five Pounds and Three Pounds, before the Chief Magistrate of the said Town, Port and Place, and the Collector by whom the said Sum shall be paid.

shall

shall produce and deliver the said Recognizance to the Commissioners of Her Majesty's Revenue, when he shall Account for the payment of the said Sum, which Recognizance, shall by the said Commissioners be returned into the Crown-Office of Her Majesty's Chief place at Dublin, for which no Fee or Reward shall be paid.

LIII. And whereas by the Laws of this Land, Papists are not qualified to keep any Horse, or Mare or Gelding of above Five pounds Value, which by Experience is found Prejudicial so far forth as the same Relates to Stud-Mares.

LIV. For remedy whereof, Be it Enacted by the Authority aforesaid That no Stud-Mare kept for Breeding only, nor Stallion kept as such and for no other Use, shall be deemed or taken to be within the intention of the Act, Intituled, An Act for the better Securing the Government by Disarming Papists, but that every Papist and reputed Papist may keep such Stud-Mares and Stallions, notwithstanding the said Act or any Law to the contrary, and the Breed and Produce thereof under the Age of Five Years and not otherwise: Provided nothing in this Act shall extend to the hindring the Lord Lieutenant or other Chief Governors of this Kingdom for the time being, from seizing and securing any Horse, Mare or Gelding belonging to any Papist or reputed Papist, upon any Invasion likely to happen, or in any Case of intestine War broke out or likely to break out, any thing herein contained to the contrary notwithstanding. Concerning the keeping Horses or Mares.

LV. And be it further Enacted by the Authority aforesaid, That in case the Lord Lieutenant, Lords Justices, or Chief Governor or Governors of this Kingdom, shall see Cause or Order any Horse or Mare so Seized, to be delivered back to the Owner or Person from whom any Horse or Mare was so taken, That it shall and may be Lawful for every Person having or keeping such Horse or Mare in his Custody by vertue of the Authority aforesaid, to keep or detain the same until the Owner or Person from whom the same was taken, shall pay the Sum of Six pence for every Night the said Person did keep any such Horse or Mare, by vertue of the Authority aforesaid.

LVI. And be it further Enacted by the Authority aforesaid, That no Papist or Papists who are or shall be permitted to follow any Trade, Craft or Mystery in this Kingdom, shall hereafter take or keep more than two Apprentices at a time, in any such Trade, Craft or Mystery, (except the Hempen or Flaxen Manufacture) and that for no less a Term of Apprentiship than Seven Years, and that whatever Papist shall Offend therein by keeping more than two Apprentices, or by taken or keeping Apprentices for a less Term than Seven Years, such Papist shall Forfeit the Sum of One hundred Pounds for every such Offence, to be recovered by such Person who shall Sue for the same, in such manner as the several Forfeitures exceeding the Sum of Ten Pounds herein before mentioned are to be recovered.

LVII. Provided always, And be it further Enacted by the Authority aforesaid, That nothing in this Act contained, or in any other Act made in this Kingdom since the passing of an Act of Parliament in England, Intituled, An Act for Proviloe for Colonel *Henry Lutterel.*

the Relief of Colonel *Henry Luttrel*, with relation to the Forfeited Estates in *Ireland*, shall prejudice, affect, defeat or take away any Estate, Right, Title or Interest in Law or Equity, which the said Henry Luttrel who is Adjudged within the Articles of Limerick, had or hath, to or in the Manor, Castle, Town and Lands of Luttrelstown, and other Lands, Tenements and Hereditaments in this Kingdom, the Estate of the Family of the Luttrels; which were by Letters Patents, and for the Considerations in the said Act, and Letters Patents mentioned, Granted by His Majesty King William the Third of Glorious Memory, to Major Walter Delamer and his Heirs, in Trust for the said Henry Luttrel and his Heirs: Which Letters Patents are hereby confirmed, and the said Henry Luttrel is hereby enabled, and made, and declared capable to Dispose of, Settle or Devise, Assure, Convey, Lease, Charge or Incumber the said Lands, Tenements, Hereditaments and Estates, every or any part thereof, with or without the said Walter Delamer or his Heirs, in such manner and to such Person or Persons as to him the said Henry Luttrel it shall seem fit and convenient, any thing in this Act, or in any the above-mentioned Acts contained, to the contrary notwithstanding: Subject nevertheless to all such Chief-Rents, Crown-Rents and other Rents as are issuing or payable out of the Premisses to the Queen's Majesty, Her Heirs and Successors, or to any other Person or Persons whatsoever; and saving and reserving to all and every Person or Persons, Bodies Politick or Corporate, their Heirs, Executors, Administrators or Successors, all such Right, Title and Interest, Charge, Incumbrance, Claim and Demand whatsoever in Law or Equity, which they, every or any of them have in, to or out of the said Premisses, or any part thereof; excepting always out of this Proviso all Rectories Impropriate, with the Tithes, Oblations, Obventions, Advowsons of Vicaridges, and all other things thereunto severally and respectively belonging, which did at any time heretofore belong, or were reputed to belong or appertain to, or were at any time enjoyed, used or held as part or parcel of the said Estate of the Family of the Luttrels, to all or any of which Rectories, Impropriate Tythes, Oblations, Obventions, Advowsons of Vicaridges, and all other things thereunto severally and respectively belonging, the Title of the said Henry Luttrel is to stand, remain and be of the same, and no greater or other Force than as before the making of this Act.

Proviso for *Oliver Martin* of *Tulliry*.

LVIII. And whereas Oliver Martin of Tulliry in the County of Gallway Esquire, was during the late Rebellion in this Kingdom, a Person who behaved himself with great Moderation, and was remarkably kind to numbers of Protestants in Distress, many of which he supported in his Family, and by his Charity and Goodness saved their Lives, and in great measure preserved their Effects.

LVIX. Be it therefore Provided and Enacted by the Authority aforesaid, That the said Oliver Martin, may have, hold and enjoy all his Estate, Right, Title and Interest in Law or Equity, to Him and his Heirs, which he and they now have or may have by Descent in this Kingdom; and he is hereby enabled and declared to be capable in every respect to have, hold and enjoy the same, and to dispose and settle the same on his Eldest Son, and the Heirs Males of the

the Body of such Eldest Son, which Settlement and Disposition, is hereby declared Good and Valid, any thing in the Act to prevent the further Growth of Popery, or in this present Act contained to the contrary notwithstanding, Subject nevertheless to all such Estates, Interests and Demands that all and every Person or Persons who now is or are, or hereafter shall be of the Protestant Religion, have, or may have in Reversion, Remainder or otherwise to the said Estate of the said Oliver Martin, or any part thereof, and subject to all such Chief-Rents, Quit-Rents and Crown-Rents, and other Rents as are issuing and payable out of the Premisses to the Queen's Majesty, Her Heirs and Successors; And saving and reserving to all and every Person or Persons, Bodies Politick or Corporate, their Heirs, Executors, Administrators, or Successors, all such Right, Title and Interest, Claim and Demand whatsoever in Law or Equity, which they or any of them have, into or out of the Premisses or any part thereof.

CHAP. IV.

An Act to enable Posthumous Children to take Estates, as if Born in their Father's Life-time.

WHEREAS it often happens that by Marriage and other Settlements, Estates are limitted in remainder to the use of the Sons and Daughters, the Issue of such Marriage, with remainder over, without limitting an Estate to Trustees to preserve the contingent Remainders limitted to such Sons and Daughters; by which means such Sons and Daughters, if they happen to be Born after the Decease of their Fathers, are in danger to be defeated of their Remainder by the next in Remainder after them, and left unprovided for by such Settlements, contrary to the intent of the Parties that made those Settlements.

II. For remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That where any Estate already is, or shall hereafter, by any Marriage or other Settlement be limitted in Remainder to or to the use of the first or other Son or Sons of the Body of any Person lawfully Begotten or to be Begotten, with any Remainder or Remainders over to, or to the use of any other Person or Persons. or limitted in remainder to, or to the use of any Daughter or Daughters lawfully Begotten, or to be Begotten, with Remainder or Remainders to any other Person or Persons, in such Case any Son or Sons, or Daughter or Daughters lawfully Begotten or to be Begotten, that shall be Born after the Decease of his, her or their Father, shall and may by vertue of such Settlement, take such Estate so limitted to the first and other Sons, or to the Daughter or Daughters, in the same manner as if such Son or Sons, Daughter or Daughters were Born in the Life-time of his, her or their Father, although there shall happen no Estate to

limitted to Trustees after the Decease of the Father, to preserve the contingent Remainder to such After-Born Son or Sons, Daughter or Daughters, until he, she or they come in Esse, or be Born to take the same, any Law or Usage to the contrary in any wise notwithstanding.

III. Provided always, That nothing in this Act shall extend or be construed to extend to divest any Estate in Remainder, that by vertue of any Marriage or other Settlement, is already come to the Possession of any Person or Persons, or to whom any Right is accrued, though not in actual Possession, by reason or means of any After-Born Son or Sons, Daughter or Daughters, not happening to be Born in the Life-time of his, her or their Father.

CHAP. V.

An Act to prevent Delays and Proceedings at the Assizes and Sessions.

WHEREAS it is experienced, That notwithstanding the Statute made in the Tenth and Eleventh Years of King Charles the First, concerning the Granting of Writs of Certiorari, to Remove Indictments of Riots, Forcible Entry, Assault and Battery, and other Presentments and Indictments out of the Courts of the General Assizes or Quarter-Sessions of the Peace, in the Counties or Places wherein such Indictments have been found, and Proceedings thereupon Recorded in Her Majesty's Court of Queen's-Bench, divers Turbulent, Contentious, lewd and evil disposed Persons fearing to be deservedly punished where they and their Offences are well known, have not only obtained Writs of Certiorari for removing such Indictments found against them as aforesaid, but also Indictments for sundry other Trespasses, Frauds, Nusances, Contempts and Misdemeanors after Issue joyned, and the Prosecutors attending with their Councel and Witnesses, to Try the same before the said Justices of Assize and of the Peace in their said Sessions, to the great Discouragement of the Prosecutors, and of such Constables and other Officers, as according to their Duty present Persons for those and such like Trespasses, Offences and Misdemeanors.

II. For remedy whereof, and that such Offenders may be brought to Condign Punishment, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That in Term-time no Writ of Certiorari whatsoever at the Prosecution of any Party Indicted, be hereafter Granted, Awarded or Directed out of the said Court of Queen's-Bench, to remove any such Indictment or Presentment of Trespass or Misdemeanor before Tryal, had from before the said Justices in the said Courts of General Assizes or Quarter-Sessions of the Peace, unless such Certiorari shall be Granted or Awarded upon Motion of Councel on Affidavit, and by Rule of Court made for the Granting thereof before the Judge or Judges of the said Court of Queen's-Bench

Bench Sitting in open Court, and that all the Parties Indicted, prosecuting such Certiorari before the Allowance thereof, shall find two sufficient Manucaptors who shall enter into a Recognizance before the Justices to whom the same shall be delivered, in the Sum of Twenty Pounds, with Condition at the Return of such Writ to Appear and Plead in the said Indictment or Presentment in the said Court of Queen's-Bench, and at his and their own Cost and Charges, to cause and procure the Issue that shall be joyned upon the said Indictment or Presentment, or any Plea relating thereunto, to be Tryed at the next Assizes to be held for the County wherein the said Indictment or Presentment was found after such Certiorari shall be returnable, if not in the County of Dublin and the County of the City of Dublin; and if in the said County or City, then to cause or procure it to be Tryed the next Term after wherein such Certiorari shall be granted, or at the Sitting after the said Term, if the Court of Queen's-Bench shall not appoint any other time for the Tryal thereof, and if any other time shall be appointed by the Court than at such other time, and to give due notice of such Tryal to the Prosecutor or his Attorney in Court and that the said Recognizance and Recognizances taken as aforesaid, shall be Certified into the said Court of Queen's-Bench, with the said Certiorari and Indictment to be there Filed, and the Name of the Prosecutor (if he be the Party grieved or injured) or some publick Officer to be Indorsed on the back of the said Indictment, and if the Person prosecuting such Certiorari being the Defendant, shall not before Allowance thereof procure such Manucaptors to be Bound in a Recognizance as aforesaid, the Justices of the Assize and of the Peace, may and shall proceed to Tryal of the said Indictments at the said Sessions, notwithstanding such Writ of Certiorari so Delivered.

III. And be it further Enacted by the Authority aforesaid, That if the Defendant prosecuting such Writ of Certiorari, be Convict of the Offence for which he was Indicted, that then the said Court of Queen's-Bench shall give reasonable Costs to the Prosecutor, if he be the Party grieved, or be a Justice of the Peace, Mayor, Bailiff, Constable, Headborough, Tything-Man, Church-Warden or Overseer of the Poor, or any other Civil Officer who shall prosecute upon the account of any Fact committed or done, that concerned him or them as Officer or Officers to prosecute or present: Which Costs shall be Taxed according to the Course of the said Court, and that the Prosecutor for Recovery of such Costs shall within Ten Days after Demand made of the Defendant, and Refusal of Payment, on Oath, have an Attachment granted against him the Defendant by the said Court for such his Contempt; and that the said Recognizance shall not be discharged till the Costs so Taxed shall be paid.

IV. Provided always, and be it Enacted by the Authority aforesaid, That in any of the Vacations Writs of Certiorari may be granted by any of the Justices of Her Majesty's Court of Queen's-Bench, whose Names shall be Indorsed on the said Writ, upon Affidavit of the truth of the Suggestion for granting the same, which shall be filed in the said Court of Queen's-Bench, and also the Name of such Person at whose Instance the same is granted; and that the Party or Parties Indicted prosecuting such Certiorari, shall before the

Allowance of such Writ or Writs of Certiorari, find such sureties in such Sum, and with such Conditions, as are before mentioned and specified in this present Act.

V. Provided always, and be it Enacted by the Authority aforesaid, That if any Indictment or Presentment be against any Person or Persons for not repairing any High-ways, Cause-ways, Pavements or Bridges, and the Right or Title to repair the same may come in Question; upon such Suggestion, and Affidavit made of the Truth thereof, a Certiorari may be granted to remove the same into the Court of Queen's-Bench, any Law or Statute to the contrary in any wise notwithstanding.

VI. Provided nevertheless, That the Party or Parties prosecuting such Certiorari, shall find two Manucaptors to be bound in a Recognizance with Condition as aforesaid.

VII. Provided always, and be it Enacted by the Authority aforesaid, That this Act shall continue and be in Force for Seven Years, and from thence to the end of the next Session of Parliament, and no longer.

CHAP. VI.

An Act for the Better preventing the Counterfeiting the Current Coin of this Kingdom.

The Preamble of the Act.

WHEREAS notwithstanding the good Laws still in Force against the counterfeiting Her Majesty's Coin, and other the Coins made current in this Her Majesty's Kingdom of Ireland, by Her Majesty's Royal Proclamation; yet the said Offence doth and is like daily to encrease, to the manifest Wrong and Injury both of Her Majesty and all Her Majesty's Loving Subjects, being very much occasioned for want of a due and condign Punishment to be inflicted on such Artificers and others who without any lawful Authority do make or use Puncheons, Stamps, Dyes and other Engines and Instruments which are commonly used or may be made use of in or about the coining of Money: For Redress of which so great and growing a Mischief, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the First Day of November next, no Smith, Engraver, Founder, or other Person or Persons whatsoever, other than and except the Persons employed, or hereafter to be employed in or for Her Majesty's Mint or Mints within this Kingdom of Ireland, and for the Use and Service of the Mints only, shall knowingly make or mend, or begin or proceed to make or mend, or Assist in the making or mending of any Puncheon, Counter-Puncheon, Matrix, Stamp, Dyes, Pattern or Mould of Steel, Iron, Silver, or other Metal or Metals, or of Spaud, or fine Founders Earth, or Sand, or of any other Materials whatsoever, in or upon which there shall be, or be made or impressed, or which shall make or impress the Figure, Stamp, Resemblance or Similitude of both or either of the Sides or Flats of any Gold or Silver

None but what are or hereafter to make any Puncheon, Counter-Puncheon or other Tool or Matter for Coyning, &c.

ver Coin, now or hereafter current within this Kingdom; nor shall knowingly make or mend, or proceed to make or mend, or assist in the making or mending of any Edger or Edging-Tool, Instrument or Engine not of common Use in any Trade, but contrived for making of Money round the Edges with Letters, Grainings or other Marks of Figures resembling those on the Edges of Money coined in Her Majesty's Mint, or other Coin made current within this Kingdom or that shall hereafter be made current in this Kingdom by Proclamation, nor any Press for Coinage, nor any Cutting-Engine for cutting round Blanks by force of a Skrew out of flatted Bars of Gold, Silver or other Metal; nor shall knowingly buy or sell, hide or conceal, or without lawful Authority or sufficient Excuse for that Purpose, knowingly have in his, her or their Houses, Custody or Possession any such Puncheon, Counter-puncheon, Matrix, Stamp, Dye, Edger, Cutting-Engine or other Tool or Instrument before-mentioned: And if any Smith, Engraver, Founder, or other Person or Persons whatsoever, other than and except as aforesaid, shall offend in any the matters and things aforesaid; then all and every such Offender and Offenders, their Counsellors, Procurers, Aiders and Abettors, shall be by the Authority aforesaid adjudged to be Guilty of High-Treason; and being of the said Offences, or any of them, convicted or attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in Cases of High-Treason.

II. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the said First Day of November, shall without lawful Authority for that Purpose, wittingly or knowingly convey, or Assist in the conveying out of Her Majesty's Mint or Mints in this Kingdom, or that shall hereafter be in this Kingdom, any Puncheon, Counter-Puncheon, Matrix, Dye, Stamp, Edger, Cutting-Engine, Press, or other Tool, Engine or Instrument, used for or about the Coining of Moneys there, or any useful part of such Tools or Instruments, as shall wittingly or knowingly import or bring into this Kingdom any of them without lawful Authority; that then as well the said Person or Persons so offending, their Counsellors, Procurers, Aiders or Abettors, as also all and every Person and Persons knowingly receiving, hiding or concealing of the same, shall be by the Authority aforesaid, Adjudged Guilty of High-Treason, and being of the said Offences or any of them Convicted or Attainted according to the order and course of the Laws of this Realm, shall suffer Death as in cases of High-Treason. If any Coined out of the Mint.

III. And be it further Enacted by the Authority aforesaid, That if any Person or Persons other than the Persons Employed, or hereafter to be Employed in Her Majesty's Mint or Mints, shall after the said First Day of November, Mark on the Edges any counterfeit Coin resembling Her Majesty's Coin or other Coin made current within this Kingdom, or that shall hereafter be made current in this Kingdom by Proclamation, with Letters or Grainings, or other Marks or Figures like unto those on the Edges of Money coined in Her Majesty's Mint or Mints in Great-Britain, or hereafter to be coined in Great-Britain, or like unto those which Her Majesty may hereafter coin in any Mint None to Mark on the Edges, &c.;

or Mints within this Kingdom, or like unto any Foreign Coin made current within this Kingdom, or hereafter to be made current in this Kingdom by Proclamation, every such Offence shall be Adjudged High-Treason, and the Offender or Offenders therein, his and their Councellors, Procurers, Aiders and Abettors, being thereof convicted or attainted according to the order and course of the Laws of this Realm, shall suffer Death as in cases of High-Treason.

None to wash or colour either Gold or Silver Coin.

IV. And be it further Enacted by the Authority aforesaid, that if any Person or Persons whatsoever, after the said First Day of November, shall colour, gild or case over with Gold or Silver, or with any Wash or Materials producing the Colour of Gold or Silver any Coin resembling Her Majesty's Coin or Foreign Coin made, or that shall hereafter be made current in this Kingdom by Proclamation, or any Round or other Figured Blanks of base Metal or of course Gold or course Silver of a fit Size and Figure to be coined into counterfeit Milled Money, resembling any of the Gold or Silver Coin of Great-Britain, or if any Person or Persons shall Gild over any Silver Blanks of fit Size and Figure to be coined into Pieces resembling the current Gold Coin of this Kingdom, or that shall hereafter be made current in this Kingdom, or any other the Coins made or which shall hereafter be made current in this Kingdom by Proclamation, all and every such Person and Persons so offending, their Councellors, Procurers, Aiders and Abettors, shall be Adjudged Guilty of High-Treason, and being convicted or attainted thereof, according to the Order and Course of the Laws of this Realm, shall suffer Death as in cases of High-Treason.

All Materials for Coining wheresoever found, to be Seized.

V. And be it further Enacted by the Authority aforesaid, That if any Puncheon, Dye, Stamp, Edger, Cutting-Engine, Press, Flask or other Tool, Instrument or Engine, used or designed for coining or counterfeiting Gold or Silver Moneys, or part of such Tools or Engines, shall at any time after the said First Day of November, be hid or concealed in any Place, or found in the House, Custody or Possession of any Person or Persons whatsoever, not then employed in the coining of Money in some of Her Majesty's Mints, nor having the same by some lawful Authority, that then it shall and may be lawful to and for any Person or Persons whatsoever, discovering the same to Seize; and he and they is and are hereby required to Seize the same, and carry them forthwith to some Justice of the Peace of the County, City or Place where the same shall be so Seized, and by him secured, to be produced in Evidence against any Person or Persons, who shall or may be prosecuted for any such Offence, in some Court of Justice proper for the Determination thereof, and after such time as they or any of them shall have been produced in Evidence, as well the same so produced as the other so Seized, and not made use of in Evidence, and every of them shall forthwith by Order of that Court where such Offender or Offenders shall be Tryed, or by Order and in the presence of such or some other Justice of the Peace in case there be no such Tryal be totally defaced and destroyed, and if after the said First Day of November, any counterfeit or unlawfully diminish-

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ed Money, shall be produced in any Court of Justice, either in Evidence against any Person or Persons for any Offence relating to the counterfeiting or unlawfully diminishing of Money or otherwise, that then or immediately after Evidence given, the Judge or Judges of such Court shall cause such Money to be cut in pieces in open Court, or in the presence of some Justice of the Peace, and then to be delivered to or for such Person or Persons to whom the same of right shall appertain.

Blanched Copper not to be Sold.

VI. And whereas several Mixtures of Metals have been invented in imitation of Gold and Silver, and blanched Copper is principally made use of in Imitation of Silver, and seldom, if ever, for any honest or good Purposes: Be it therefore Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, after the said First Day of November, shall blanch Copper for Sale, or mix blanched Copper with Silver, or knowingly buy or sell, or offer to Sale blanched Copper alone or mixt with Silver, or shall knowingly or fraudulently buy or sell, or offer to Sale any malleable Composition or Mixture of Metals or Minerals, which shall be heavier than Silver, and look and touch, and wear like Standard Gold, but be manifestly worse than Standard, or shall take, receive or pay, or put off any Counterfeit Mill'd Money, or any Milled Money whatsoever unlawfully Diminished, and not cut in pieces at or for a lower Rate or Value than the same by its Denomination doth or shall import, or was coined or counterfeited for; that then all and every such Person and Persons shall be deemed and adjudged Guilty of Felony; and being thereof convicted or attainted according to the Order and Course of the Laws of this Realm, shall suffer Death as in case of Felony.

No Corruption of Blood.

VII. Provided always, and be it further Enacted by the Authority aforesaid, That this Act, or any thing therein contained, or any Attainder or Attainders of any Person or Persons, for any Offence or Offences made Treason or Felony by this Act, shall not in any wise extend and be adjudged, interpreted or expounded to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to lose or forfeit her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or Interest of and in, or to the same; and that all and every Person or Persons, that shall at any time after the said First Day of November, be Accused or Impeached of any of the said Offences, made Treason or Felony by this Act, shall or may be Indicted, Arraigned, Tryed, Convicted or Attainted by such like Evidence; and in such Manner and Form, as now are or may be by the Laws of this Realm had or used against any Offender or Offenders, for Counterfeiting the Queen's Money, any thing in this Act contained or any other Law or Statute to the contrary notwithstanding.

VIII. And whereas the preventing the currency of counterfeit Money, is a more effectual means to preserve Coin intire and pure than the most rigorous Laws for Punishment of such as Counterfeit the same.

None to Tender any Counterfeit Money, Her Majesty's Officers to receive only good Money.

IX. And whereas by the known Laws of this Kingdom, no Person ought to pay or knowingly Tender in Payment any counterfeit or unlawful Money; and all Persons not only may refuse to receive the same, but may and by the ancient Statutes and Ordinances of this Kingdom, have been required to destroy and deface the same, and more especially the Officers and Ministers imployed in the Receipt and Disbursement of Her Majesty's Exchequer, by the Duty of Office ought to receive no Money, but good and true.

X. And whereas the said Ancient Laws are grown into Disuse, whereby counterfeit Money receives a Currency, and Wicked and Traiterous Persons are Emboldened to Counterfeit the same.

Bad Money to be Cut, Defaced or Broken.

XI. Now to the end that Money which now is or hereafter shall be Current in this Kingdom may not be counterfeited, Be it Enacted by the Authority aforesaid, That it is and shall be Lawful to and for any Person or Persons to whom any Gold or Silver Money shall be tendered, any Piece or Pieces whereof by the Stamp, Impression, Colour or Weight may be suspected to be Counterfeited, to Cut, Break or Deface such Piece or Pieces, and if any Piece so Cut, Broken, or Defaced, shall appear to be Counterfeited, the Person so tendering the same shall bear the Loss thereof; but if the same shall appear to be lawful Money, the Person that Cut, Broke or Defaced the same, shall and is hereby required to take the same at the Rate of its Currency, and if any Question or Dispute shall happen to arise, whether the Piece so Cut be Counterfeit, it shall be Heard and Determined, finally by the Mayor, Bayliff or Bayliffs, or other Chief Officer of any City or Town Corporate, where such Tender shall be made, and if such Tender shall be made out of any such City or Town Corporate, then by the next Justice of the Peace of the County Inhabiting or being near the Place where such Tender shall be made, and the said Mayor or other Chief Officer, and Justice of the Peace shall have full Power and Authority to Administer an Oath as he shall see convenient to any Person for determining any Question relating to the said Piece.

XII. And be it further Enacted by the Authority aforesaid, That all and singular the Officers and Ministers concerned in the Receipt of Her Majesty's Revenue, Aids, Impositions, Duties and Taxes given and granted, or to be hereafter given and granted, shall and are hereby required to Cut, Break or Deface, or cause to be Cut, Broken or Defaced every Piece of Counterfeit, or unlawfully diminisht Silver Money, shall be tendered in Payment to them for the use of Her Majesty, Her Heirs or Successors, or for any Part of the Revenue, Aids, Impositions, Duties, or Taxes of Her Majesty, Her Heirs or Successors.

Foreign Coin to be declared by Proclamation.

XIII. And forasmuch as a great part of the Coin now current, or that hereafter may be current in this Kingdom, is and may be Foreign Coin made current by Proclamation, therefore it is reasonable in case any Person or Persons should be accused of any Offence relating to such Foreign Coin so made current that the Evidence of such Proclamation should be ascertained: Be it further Enacted by the Authority aforesaid, That from and after the said First Day of November, the Printed Proclamation ordering, publishing

lishing and declaring the currency of such Foreign Coin, and ascertaining the Rates and Value of such Foreign Coin respectively in this Kingdom, shall be taken, deemed and adjudged sufficient Evidence in all Courts of Justice of the currency of such Coin, and that the same is intended to be preserved by this Act from being counterfeited, as if the Original Proclamation under the Great Seal of this Kingdom were produced.

XIV. Provided, that the Clerk of the Council for the time being, or his Deputy, do certifie under his Hand and Seal on the back of such Proclamation, that the Original Proclamation under the Great Seal of this Kingdom agrees Verbatim with the Printed Proclamation whereon he writes such Certificate: Which Proclamations and Certificates thereon Endorsed as aforesaid, the Clerk of the Council for the time being, or his Deputy, are required to send from time to time as Proclamations relating to the currency of Coin shall Issue, to the several and respective Clerks of the Crown in this Kingdom without Fee or Reward. The Clerk of the Council to certifie the Proclamation.

XV. Provided always, and be it further Enacted, That this Act shall continue and be in Force for Seven Years, and until the end of the next Session of Parliament after the Expiration of the Seven Years: And that no Prosecution shall be made for any Offence against the said Act, unless such Prosecution be commenced within Six Months after such Offence committed. Prosecution to be made in Six Months.

CHAP. VII.

An Act for the better preventing Escapes out of the Prison of the Marshalsea of the *Four-Courts*.

WHEREAS divers Persons legally committed by Her Majesty's several Courts of Record at Dublin, to the Custody of the Marshal of the Marshalsea of the said Court, upon Actions for the Recovery of Debt or Damages, or for Contempts in not performing Orders or Decrees made in Her Majesty's Courts of Equity, and likewise Persons committed in Execution have by corrupt and illegal Practices obtained Liberty to escape and go at large without Satisfaction made to the respective Plaintiff or Creditors, and without performing such Orders or Decrees, to the Discouragement of Trade, and in defiance to the good and wholsome Laws heretofore made to restrain such Abuses: For Remedy whereof, and for preventing the like evil Practices for the future, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That if any Person or Persons already committed, rendered or charged, or who shall hereafter be committed, or rendered to or charged in the Custody of the Marshal of the Four-Courts aforesaid, for the time being, either in Execution or upon Mesne Process, or upon any Contempt in not performing any Order or Decree made by any of the said

Courts; and if such Person or Persons shall at any time after such Commitment, Render, Charge or being in Execution, and before he, she or they shall have made Payment or Satisfaction to the respective Plaintiff or Plaintiffs, Creditor or Creditors, or shall have cleared him, her or themselves of such Contempts as he, she or they were or shall be charged with at the time of such their Commitment, Render, Charge or being in Execution as aforesaid, make any Escape from the Custody of the Marshal of the said Courts for the time being, or from the Prison of the said Marshalsea, or shall go at large at any time after the Nine and twentieth Day of September, which shall be in this present Year of our Lord God One thousand seven hundred and nine, it shall and may be lawful, upon Oath thereof in Writing to be made by one or more credible Person or Persons, before any one of the Judges of that Court where such Action was entred, or Judgment and Execution were obtained, or where the Party was so committed or charged as aforesaid, to and for such Judge before whom such Oath shall be made as abovesaid, and such Judge is hereby Authorized and Required from time to time to grant unto any Person whatsoever who shall demand the same, one or more Warrant or Warrants under his Hand and Seal, therein reciting the Action or Actions, Execution or Executions, Contempt or Contempts with which such Person or Persons so escaping or going at large stood charged, or for which such Person or Persons were committed, with the Name or Names of the Person or Persons on whose Behalf such Warrant or Warrants shall be demanded; which said Warrant or Warrants shall be in Force in all Places within this Kingdom, directed to all Sheriffs, Mayors and other Head Officers, Seneschals, Bayliffs and Constables, therein and thereby requiring them and every of them in their respective Counties, Cities, Towns and Precincts, to seize and retake such Person or Persons so escaped or going at large; and such Person or Persons so retaken upon such Warrant forthwith to convey and commit to the Common Goal of such County where such Person or Persons so escaped are going at large shall be retaken, there to remain without Bail or Mainprize, or without being thence upon any Account whatsoever delivered or removed, until he, she or they shall have made full Payment or Satisfaction to the respective Plaintiff or Plaintiffs, Creditor or Creditors, in such Action or Actions, Execution or Executions named, or until the Judgment or Judgments on which such Execution or Executions was or were Sued out against such Person or Persons, shall be Reversed or Discharged by due course of Law, or until Judgment in such Action or Actions be given for such Person or Persons so committed as aforesaid, or until such Contempt or Contempts for which such Person or Persons were or shall be committed, be cleared or discharged, except such Person or Persons be charged with Treason or Felony, or any other Crime, Matter or Cause for and on the Behalf of the Queen's Majesty, Her Heirs and Successors: And if such Person or Persons be removed for any such Cause on the Behalf of the Queen, Her Heirs and Successors, to any other Goal or Prison, he or she shall be in the Custody of such Goal, charged with all the Causes with which he

Any Person making escape from the Marshal of the *Four-Courts*, the Judges may give Warrants to retake which shall be good all over the Kingdom.

In case of Treason or Felony.

he or she is or shall be charged in the Goal from whence he or she shall be removed: And every Mayor and other Officer, as aforesaid, after Delivery of such Prisoner so retaken, together with such Warrant, to the Sheriff, shall take a Note in Writing from such Sheriff, testifying the Receipt of such Prisoner; which said Sheriff is hereby required to receive such Prisoner and to give such Note, and every such Sheriff after the Execution of such Warrant, shall forthwith make a Return thereof to the Court where the respective Action is or shall be depending, or the Judgment, Order or Decree is or shall be had or obtained, which Return shall be Entred and Filed upon Record.

Every Mayor, or other Officer to take a Note from the Sheriff.

Sheriff liable for Escapes.

II. And be it further Enacted, That if any Person or Persons so retaken by Warrant as aforesaid, shall at any time make any Escape out of the Goal to which she or they shall be so Conveyed and Committed as aforesaid, the Sheriff in whose Custody he, she or they was or were, shall be liable to Answer for such Escape as in the case of any other Escape, any Law, Usage or Custom to the contrary in any wise notwithstanding.

III. Provided always, That it shall and may be lawful to or for any Person or Persons that are or shall be Bail in any Suit or Action in any of Her Majesty's said Courts of Record at Dublin, for any such Person or Persons that shall be retaken and conveyed to such Goal as aforesaid by vertue of such Warrant, to have and prosecute out of such of Her Majesty's Courts where he, she or they are or shall be Bail, a Writ directed to the Sheriff of the County, to the Goal whereof such Prisoner so retaken shall be committed and detained, commanding such Sheriff to detain and keep such Prisoner in Custody in discharge of his Bail, which Writ, together with an Account whether he hath the said Prisoner in his Custody, shall be returned by the said Sheriff into Court at a Day therein to be mentioned, and the delivery of every such Writ to the Sheriff or his Deputy, shall be deemed and taken to be an effectual Render of such Prisoner, to all intents and purposes whatsoever in discharge of the said Bail, and in case such Sheriff or his Deputy, or other his inferior Officer, shall at any time after the delivery of such Writ, suffer the Person or Persons so rendered in discharge of his, her or their Bail to Escape, they and every of them so offending, shall be liable to such Action or Actions, as the Marshal of the Four-Courts is liable to, for permitting any Person to Escape out of his Custody or Prison, who was committed upon Render in discharge of his, her or their Bail.

The case of the Bail of such Prisoner.

If the Prisoner escapes the Sheriff or his Deputy, &c. liable.

IV. And be it further Enacted, That every such Sheriff upon request of such Person or Persons being Bail as aforesaid, who shall deliver such Writ for keeping and detaining such Prisoners as aforesaid, and who shall pay the usual Fees for Returns of Actions, shall make Return and Certify under his Hand the Receipt of such Writ and the time of his receiving the same; and likewise, whether the Person so retaken was then in his Custody, and in default thereof, shall for every such neglect or refusal Forfeit One hundred Pounds Sterling, to be recovered in any of Her Majesty's said Courts at Dublin, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection, Wager of Law, or any more than one Imparlance shall be allowed, and upon producing such Return or Certificate to

The Sheriff for the usual Fees shall make return and the time, &c.

the Court where such Bail shall be taken, such Court shall direct and cause a Reddidit se to be Entred upon the Bail-piece, which shall be as Effectual to all intents and purposes as if the said Bail had then actually rendered the Person of the said Defendant to such Court, or before any Judge or Judges of the same.

The Act to be construed most beneficial against Escapes.

V. And for the prevention of Disputes touching this Act, Be it Enacted by the Authority aforesaid, That the same and every Clause and thing therein contained shall be Adjudged and taken to be a General Law, and that it shall not be needful to set forth the same or any part thereof in pleading, and that this Act and every Clause therein shall be construed most beneficially for the preventing of all the Mischiefs, Abuses, Escapes, and other Inconveniencies herein provided against.

Judgment be given for the Defendant, he shall have treble Costs.

VI. And be it further Enacted, That if any Person or Persons shall at any time be Sued for putting in Execution any Power or Authority given by this Act, such Person or Persons may Plead the General Issue, and give in Evidence the Special Matter, and if the Plaintiff or Plaintiffs in such Action or Actions shall be Nonsuit or shall discontinue his, her or their Action or Actions, or if a Verdict shall be given for the Defendant or Defendants, or that Judgment upon Demurrer shall be given for the Defendant or Defendants, every such Defendant or Defendants, shall have his or their treble Costs of Suit.

CHAP. VIII.

An Act for the Encouraging the Discovery and Apprehending of House-Breakers.

WHEREAS the Crimes of Burglary and Breaking open of Houses in a Felonious manner are of late Years become more frequent than formerly, to the great Disquiet, Terror and Impoverishing of many of Her Majesty's Subjects: Which Crimes might be in a great measure prevented if due Encouragement were given to such as shall vigorously endeavour the discovering and apprehending of such Malefactors, and some severe Punishment inflicted on such as shall receive or buy Stolen Goods, and harbour and protect such Offenders: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the Twenty ninth Day of September, One thousand seven hundred and nine, all and every Person or Persons who shall apprehend and take any Person or Persons Guilty of Burglary or the Felonious breaking and entring of any House in the Day time, and prosecute him or them so apprehended or taken, until he, she or they be convicted of such Burglary and Felony, shall have and receive the Sum of Five Pounds within Twenty one Days after such Conviction, to be paid by the Collector of the District where such Felony or Burglary shall be committed and done, with-

Upon Prosecution and Conviction, the Party Prosecuting

without any Fee for the same, to the Person or Persons so Taking, Apprehending and Prosecuting the said Offenders, he, she or they tendering a Certificate to the said Collector, under the Hand or Hands of the Judges or Justices before whom such Felon shall be Convicted for such Burglary or Felony, Certifying the Conviction of such Felon for the said Offence or Offences, and in what Parish the same was committed; and also that such Felon or Felons was or were taken by the Person or Persons claiming the said Reward: And in case any Dispute shall happen to arise between the Persons so apprehending any of the said Felons touching the Right and Title to the said Reward, that then the said Judges or Justices so Certifying respectively as aforesaid, shall in and by their said Certificate direct and appoint the said Reward to be paid to and amongst the said Parties claiming the same, in such Share and Proportions as to the said Judges or Justices shall seem just and reasonable. And if it shall happen that any such Collector shall die or be removed before the Expiration of the said Twenty one Days after such Conviction, and Demand made of the said Reward (not being paid as aforesaid) that then the next succeeding Collector shall pay the same within one Month after Demand and Certificate brought as aforesaid; and if Default of Payment of the said Sum or Sums of Money shall happen to be made by any Collector, such Collector so making Default shall forfeit to the Person or Persons to whom such Money is due as aforesaid, double the Sum or Sums of Money he or they ought to have paid, to be received by him, her or them, or his, her or their Executors or Administrators, in any of Her Majesty's Courts of Record at Dublin, by Action of Debt, Bill, Plaint or Information, wherein but one Imparlance, and no Essoin, Protection or Wager of Law shall be allowed, with treble Costs of Suit.

to receive Five Pound in Twenty One Days by the Collector of the District, &c.

If the Collector Die or be removed the next to pay it.

II. And be it further Enacted by the Authority aforesaid, That in Case any Watch-man or any other Person or Persons shall happen to be killed by any such Burgler or House-Breaker, such Watch-man or other Person or Persons endeavouring to Apprehend, or in making pursuit after him, her or them, that then the Executors or Administrators of such Person or Persons so Killed, to whom the Right of Administration of the Personal Estate of such Person or Persons so Killed shall belong, upon Certificate delivered under the Hands and Seals of such Judges or Justices of Assize of the County where the Fact was Committed, or the two next Justices of the Peace of such Person or Persons being so Killed, (which Certificate, the said Judges or Justices respectively, upon sufficient proof before them made are immediately required to give without Fee or Reward) shall receive the Sum of Twenty Pounds from the Collector of the District as aforesaid where the said Fact was done and Committed, and upon Failure of Payment thereof by the said Collector the Sum of Forty Pounds to be recovered against him with treble Costs of Suit in manner and form aforesaid.

If any Watchman or other Person be killed by such Burgler, &c. in indeavouring to Apprehend him, the Executors, &c to receive the Gratuity.

The Collector to forfeit Forty Pound if he fail to pay.

III. And be it further Enacted by the Authority aforesaid, That every such Collector, his Executors and Administrators, upon producing such respective Certificates, and the Receipts of

What the Collector may bring to account in this case.

the Money paid by him in pursuance of this Act, shall be allowed, and is hereby impowered to deduct upon his Accounts, all Monies other than such Penalties or Forfeitures as he shall incur through his own Default as aforesaid, and treble Costs of Suit, which shall be recovered as aforesaid: And if upon stating the Accompt of any Collector, there shall not be Money sufficient in the Hands of such Collector to reimburse him such Money paid by him by vertue of this Act, that then such Collector having so paid the said Money, shall have the same repaid by the Vice-Treasurer, or his Deputy, for the time being, out of the Revenue of the Crown, clear of all Fees, Charges and Deductions whatsoever, upon a Certificate from the Commissioners of the Revenue for that purpose.

If there be not Monies in his hands it shall be paid him again from the Vice-Treasurer without Fees.

IV. And be it further Enacted, That if any Person or Persons being out of Prison, shall after the Twenty ninth Day of September, One thousand seven hundred and nine, discover two or more Persons who already have or hereafter shall commit any such Burglary or Felony, so as two or more of the Persons discovered shall be convicted of such Burglary or Felony, any such Discoverer shall have the like Reward and Allowance of Five Pounds hereby promised to be paid to the Person or Persons who shall apprehend and convict House-Breakers, and all other Advantages given to such Taker and Prosecutor, and shall be also Intitled to the Gracious Pardon of Her Majesty, Her Heirs and Successors, for all Burglaries, Robberies and Felonies (except Murder and Treason) by such Discoverer committed at any time or times before such Discovery made, which Pardon shall likewise be a good Barr to any Appeal brought for such Burglary or Felony.

Any one out of Prison discovering two or more Persons shall have the Five Pounds, and his Pardon for all, except Murther or Treason.

V. And forasmuch as the said Felons are much Encouraged to commit such Burglaries and Felonies, because a great number of Persons make it a Trade to Receive and Buy of the said Felons Goods so by them Feloniously taken; and also do make it their Business to harbour and conceal the said Offenders after the said Facts, knowing the said Burglaries and Felonies to have been by them committed.

VI. Be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Receive or Buy any Goods or Chattles, that shall be Feloniously taken or stolen from any other Person, knowing the same to be Stolen, or shall receive, harbour or conceal any Burglers, Felons or Thieves, knowing them to be such, shall be taken and deemed as Accessary or Accessaries to the said Felony or Felonies, and being of either of the said Offences legally Convicted by the Testimony of One or more credible Witnesses, such Offender shall suffer and incur the pain of Death, as a Felon Convicted.

The case of receiving or buying Stolen Goods.

VII. Provided always, That if such principal Felon cannot be taken, so as to be prosecuted and convicted for any such Offence; yet nevertheless it shall and may be lawful to prosecute and punish every such Person and Persons Buying and Receiving any Goods stolen by any such principal Felon, knowing the same to be stolen, as for a Misdemeanor to be punished by Fine or Imprisonment, or other such Corporal Punishment as the Court shall think fit to Inflict, although the principal Felon be not before Convict of the said

Although the Felon cannot be taken, the Receiver to be punished.

ſaid Felony, which ſhall exempt the Offender from being Puniſhed as acceſſary to ſuch principal Felon, if ſuch principal Felon ſhall be afterwards taken and Convicted.

VIII. Provided always, and be it further Enacted by the Authority aforeſaid, that the Judge or Judges, Juſtice or Juſtices before whom ſuch Felons or Houſe-Breakers ſhall be convicted as aforeſaid, ſhall determine and ſettle the Right and Shares of ſuch reſpective Perſons, who by vertue of this Act, ſhall be Intitled to the Certificate by this Act directed to be given, and ſhall alſo (being thereunto required) make out and deliver, or cauſe to be made out and delivered the ſaid Certificate to ſuch Perſon or Perſons Intitled thereunto, before the end of ſuch Aſſizes or Seſſions where ſuch Conviction as aforeſaid, ſhall be had; for which Certificate One Shilling, and no more, ſhall be demanded or paid. One Shilling to be paid for the Judges Certificate.

CHAP. IX.

An Act for delivering Declarations to Priſoners.

WHEREAS by the Courſe of Practice in the reſpective Courts of Record at Dublin, commonly called the Four-Courts, after the Plaintiff or Plaintiffs in any Writ Iſſued out of any of the ſaid Courts, hath or have been at great Charge to Arreſt the Defendant or Defendants upon ſuch Writ, and the Defendant or Defendants for want of ſufficient Bail are often committed to Goal, and unleſs the Plaintiff or Plaintiffs ſhall before the end of two Terms next after ſuch Arreſt, cauſe ſuch Defendant or Defendants by Writs of Habeas-Corpus to be removed, to be charged in the ſaid reſpective Courts with a Declaration or Declarations of the cauſe of ſuch Action or Actions, ſuch Priſoner or Priſoners is or are upon a common Bail or Appearance by Attorney diſcharged from their Impriſonment, to the great prejudice of the Plaintiff or Plaintiffs; For remedy whereof, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That if at any time from and after the Firſt Day of November, in this preſent Year One thouſand ſeven hundred and nine, any Defendant or Defendants ſhall be taken or charged in Cuſtody at the Suit of any Perſon or Perſons, upon any Writ or Writs out of any of the ſaid Courts at Dublin, and Impriſoned or Detained in Priſon for want of Sureties for their Appearance to the ſame, the Plaintiff or Plaintiffs in ſuch Writ or Writs ſhall and may, before the end of the next Term after ſuch Writ or Proceſs ſhall be returnable, Declare againſt ſuch Priſoner or Priſoners in the reſpective Court or Courts out of which the Writ or Writs ſhall Iſſue, whereupon the ſaid Priſoner or Priſoners ſhall be taken and impriſoned, or charged in Cuſtody; and ſhall or may cauſe a true Copy thereof to be

delivered to such Prisoner or Prisoners, or to the Goaler or Keeper of the Prison or Goal in whose Custody such Prisoner or Prisoners shall be or remain, to which Declaration or Declarations the said Prisoner or Prisoners shall appear and plead: And if such Prisoner or Prisoners shall not appear and plead to the same before the end of the Term next after such Declaration or Declarations shall be so delivered as aforesaid, the Plaintiff or Plaintiffs in such Cases shall have Judgment as if the Prisoner or Prisoners had appeared in the said respective Courts, and refused to answer or plead to such Declaration or Declarations.

II. And be it further Enacted, That in all Declarations against any Prisoner or Prisoners detained in Prison by vertue of any Writ or Process, to be Issued from and after the time aforesaid out of the Court of Queen's-Bench, it shall be alledged in Custody of what Sheriff, Bailiff or Steward of any Franchise or other Person, having the Return and Execution of Writs, such Prisoner or Prisoners shall be at the time of such Declaration by vertue of the Process of the said Court at the Suit of the Plaintiffs, which Allegation shall be as good and effectual to all intents and purposes, as if such Prisoner or Prisoners were in the Custody of the Marshal of the said Four-Courts of our Sovereign Lady the Queen.

CHAP. X.

An Act for Amending an Act, Intituled, *An Act for the Publick Registring of all Deeds, Conveyances and Wills, that shall be made of any Honors, Manors, Lands, Tenements or Hereditaments.*

WHEREAS an Act made in this Kingdom in the Sixth Year of the Reign of Her present Majesty, Intituled, An Act for the publick Registring of all Deeds, Conveyances and Wills, that shall be made of any Honors, Manors, Lands, Tenements or Hereditaments, is of good Design and publick Benefit, but has been found by experience to be defective in several particulars; For remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That a Memorial of all such Deeds and Conveyances as have been Made and Executed since the Twenty fifth Day of March One thousand seven hundred and eight, being the time of the Commencement of the said former Act, and that shall hereafter be Made and Executed in the Kingdom of Great-Britain, and of all Wills and Devises in Writing where the Devisor or Testatrix hath Dyed since the said Twenty Fifth Day of March One thousand seven hundred and eight, or shall hereafter Dye, and the Devisees in such Will residing in Great Britain, of or concerning, or whereby any Honors, Manors, Lands, Tenements or Hereditaments within this Kingdom of Ireland, are or may be

In case of Death if Residing in *Great-Britain.*

be any way affected, shall be Entred or Registred by the Register appointed by vertue of the said former Act of Parliament or his Deputy, in case an Affidavit Sworn before one of the Judges of any of the Courts at Westminster or a Master in Chancery, or before the Justices of the Peace, in open Court, at any General Quarter-Sessions in the said Kingdom of Great-Britain, be brought with the said Memorial to the said Register or his Deputy, in which Affidavit one of the Witnesses to the Execution of such Deeds and Conveyances, shall Swear he or she saw the same Executed and the Memorial Signed and Sealed, or in which Affidavit, one of the Witnesses to the Memorial of any Will, shall Swear he or she saw such Memorial Signed and Sealed; and such Affidavit shall be a sufficient Authority to the said Register or his Deputy, to give the Party that brings such Memorial and Affidavit, a Certificate on the Deed, or on a separate and distinct Parchment the Deed not being produced of the Registring such Memorial, which Certificate Signed by the said Register or his Deputy, shall be taken and allowed as Evidence of the Registries of the same Memorials in all Courts of Record whatsoever, any thing in the said former Act or in this Act contained to the contrary thereof in any wise notwithstanding.

The Pages of the Register-Book to be numbred.

II. And be it further Enacted by the Authority aforesaid, that every Page of such Register-Books and every Memorial that shall be Entred therein, shall be numbred, and the Day of the Month, and the Year and Hour, or time of the Day, when every Memorial is Registred, shall be Entered in the Margins of the said Register-Books, and in the Margins of the said Memorial.

III. And be it further Enacted by the Authority aforesaid, That in case of Mortgages, whereof Memorials have been already Entered, or shall be Entered in the said Register-Office, pursuant to the aforesaid Act, if at any time afterwards a Certificate shall be brought to the said Register or his Deputy, Signed and Sealed by the respective Mortgagee or Mortgagees, in such Mortgage his, her or their respective Executors, Administrators or Assigns, and attested by two or more Witnesses, one of which Witnesses shall by Affidavit to be made before the said Register or his Deputy, or Persons impowered by the said former Act, or by this Act, for taking Affidavits (who are hereby impowered and required to Administer such Oath) prove such Monies to be satisfied and paid accordingly, and that he or she saw such Certificate Signed and Sealed by the said Mortgagee or Mortgagees, his, her or their respective Executors, Administrators or Assigns, that then and in every such case the said Register or his Deputy shall make an Entry in the Margin of the said Registry-Books against the Registry of the Memorial of such Mortgage, that such Mortgage was satisfied and discharged according to such Certificate, to which the same Entry shall refer, and shall after File such Certificate and Affidavit, to remain upon Record in the said Register-Office, for which Entry the said Register shall be allowed Six pence, and no more.

The Penalty for Forging or Counterfeiting Certificates.

IV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall at any time Forge or

or Counterfeit any such Certificate as is herein before mentioned and directed, and be thereof lawfully Convicted, such Person or Persons shall incur and be liable to such Pains and Penalties as in and by an Act of Parliament made in the Twenty Eighth Year of the Reign of Queen Elizabeth of Blessed Memory, Intituled, An Act against Forging Evidences, are imposed upon Offenders therein mentioned. And that if any Person or Persons shall at any time forswear him, or herself before the said Register or his Deputy, or other Persons impowered by the said former Act, or this Act for taking Affidavits in any of the Cases aforesaid, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to the same Penalties as if the same Oath had been made in any of the Courts of Record in Dublin.

This and the former Act to be taken as publick Acts.

V. And be it further Enacted by the Authority aforesaid, That the said former Act and this present Act shall be taken and allowed in all Courts within this Kingdom as publick Acts, and all Judges, Justices and other Persons therein concerned, are hereby required as such, to take notice thereof without Special Pleading the same.

This and the former Act to be Read in open Court.

VI. And be it further Enacted by the Authority aforesaid, That every Judge or Judges of Assize at every Assizes in his and their Circuits, and the Justices of the Peace at every Quarter-Sessions in every County in this Kingdom, within the space of Three Years from and after the Royal Assent shall be given to this Act, shall cause the said former Act and this present Act to be read in open Court, and the same shall be then and there given in Charge.

CHAP. XI.

An Act for the better Payment of Inland Bills of Exchange, and for making Promissary Notes more Obligatory.

WHEREAS great Damages and other Inconveniencies do frequently happen in the course of Trade and Commerce, by reason of Delays of Payment and other neglects on Inland Bills of Exchange in this Kingdom.

II. Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled and by the Authority of the same, That from and after the First Day of September, which shall be in the Year of our Lord One thousand seven hundred and nine, all and every Bill or Bills of Exchange Drawn in or Dated at and from any Trading City or Town or any other Place in this Kingdom of the Sum of five Pounds Sterling or upwards, upon any Person or Persons of or in Dublin, or any other Trading City, Town or any other Place, in which said Bill or Bills of Exchange, shall be acknowledged and expressed the said Value to be received

Value received to be acknowledged and expressed, &c.

received, and is and shall be Drawn payable at a certain number of Days, Weeks or Months after Date thereof, and from and after Presentation and Acceptance of the said Bill or Bills of Exchange, which Acceptance shall be by the Under-Writing the same under the Parties Hand so Accepting, and after the Expiration of Three Days after the said Bill or Bills shall become due, the Party to whom the said Bill or Bills are made payable his Servant, Agent or Assigns may and shall cause the said Bill or Bills to be protested by a Notary Publick, and in Default of such Notary Publick by any other substantial Person of the City, Town or Place in the presence of two or more credible Witnesses, refusal or neglect being first made of due payment for the same, which Protest shall be Made and Written under a fair Written Copy of the said Bill of Exchange, in the Words or Form following. The form of Protesting.

KNOW all Men that I *A. B.* on the Day of at the usual place of Abode of the said have demanded Payment of the Bill, or Acceptance of the Bill, of which the above is the Copy; which the said did not pay, or did not accept: Wherefore I the said do hereby Protest the said Bill. *Dated at this Day of*

III. Which Protest so made as aforesaid, shall within Fourteen Days after making thereof be sent, or otherwise due Notice shall be given thereof to the Party from whom the said Bill or Bills were received, who is upon producing such Protest to repay the said Bill or Bills, together with all Interest and Charges from the Day such Bill or Bills were protested; for which Protest shall be paid a Sum not exceeding the Sum of Two Shillings: And in default or neglect of such Protest made and sent, or due Notice given within the Days before limitted, the Person so failing or neglecting thereof, is and shall be liable to all Costs, Damages and Interest which do and shall accrue thereby.

IV. Provided nevertheless, That in case any such Inland Bill or Bills of Exchange shall happen to be lost or miscarried within the time before limitted for Payment of the same, then the Drawer of the said Bill or Bills is and shall be obliged to give another Bill or Bills of the same Tenor with those first given; the Person or Persons to whom they are or shall be so delivered giving Security, if demanded, to the said Drawer to indempnifie him against all Persons whatsoever in case the said Bill or Bills of Exchange so alledged to be lost or miscarried shall be found again. If the Bill be lost, the Drawer to give another, &c.

V. And be it further Enacted by the Authority aforesaid, That from the said First Day of September, in the Year of our Lord One thousand seven hundred and nine, in case upon presenting any such Inland Bill or Bills of Exchange, the Party or Parties on whom the same shall be drawn, shall refuse to accept the same by under-writing the same as aforesaid, the Party to whom the said Bill or Bills are made payable, his Servant, Agent or Assigns may and shall cause the said Bill or Bills to be protested for Non-Acceptance in manner afore-mentioned; for which Protest there shall be paid Two Shillings, and no more. The case of not accepting.

VI. Provided always, That from and after the said First Day of September, One thousand seven hundred and nine, no Acceptance of any such Inland Bill or Bills of Exchange, shall be sufficient to Charge any Person whatsoever, unless the same be Under-Written or Indorsed in Writing thereupon, and if such Bill be not accepted by such Under-Writing or Indorsement in Writing, no Drawer of any such Inland Bill shall be liable to pay any Costs, Damages or Interest thereupon, unless such Protest be made for Non Acceptance thereof, and within Fourteen Days after such Protest, the same to be sent or otherwise Notice thereof be given to the Party from whom such Bill was received or left in Writing at the Place of his or her usual Abode, and if such Bill be accepted and not paid before the Expiration of three Days after the said Bill shall become due and payable then, no Drawer of such Bill shall be compellable to pay any Costs, Damages or Interest thereupon, unless a Protest be made and sent, or Notice thereof be given in manner and form above mentioned, nevertheless every Drawer of such Bill shall be liable to make payment of Costs, Damages and Interests upon such Inland Bill if any one Protest be made for Non Acceptance or Non Payment thereof, and Notice thereof be sent, given or left as aforesaid.

VII. Provided that no such Protest shall be necessary either for Non Acceptance or Non Payment of any Inland Bill of Exchange, unless the Value be Acknowledged and Expressed in such Bill to be Received, and unless such Bill be Drawn for the Payment of Five Pounds, Sterl. or upwards, and that the Protest hereby Required for the Non Acceptance, shall be made by such Persons as are Appointed by this Act to Protest the same.

If accepted for satisfaction to be accounted compleat.

VIII. And be it further Enacted by the Authority aforesaid, That from and after the said First Day of September, One thousand seven hundred and nine, if any Person doth Accept any such Bill of Exchange for and in Satisfaction of any former Debt or Sum of Money formerly due unto him, the same shall be Accounted and Esteemed a full and compleat Payment of such Debt, if such Person Accepting of any such Bill for his Debt doth not Take his due Course to Obtain Payment thereof, by Endeavouring to get the same Accepted and Paid, and make his Protest as aforesaid, either for Non-Acceptance or Non-Payment thereof.

Nothing to extend to discharge any Remedy, &c.

IX. Provided, That nothing herein contained shall Extend to Discharge any Remedy that any Person may have against the Drawer, Acceptor or Indorser of such Bill.

X. And whereas it hath been held that Notes in Writing Signed by the Party who makes the same, whereby such Party Promises to Pay unto any other Person, or his Order, any Sum of Money therein mentioned, are not Assignable or Indorsable over within the Custom of Merchants to any other Person, and that such Person to whom the Sum of Money mentioned in such Note is payable, cannot maintain an Action by the Custom of Merchants against the Person who first made and signed the same, and that any Person to whom such Note should be Assigned, Indorsed or made Payable could not within the said Custom of Merchants maintain any Action upon such Note, against the Person who first Drew and Signed the same; Therefore to the

the Intent to Encourage Trade and Commerce, which will be much Advanced if such Notes shall have the same Effect as Inland Bills of Exchange, and shall be negociated in like manner, Be it further Enacted by the Authority aforesaid, That all Notes in Writing after the said First Day of September, in the Year of our Lord, One thousand seven hundred and nine, which shall be made and signed by any Person or Persons, or by the Servant or Agent of any Banker, Goldsmith, Merchants or Trader, who is usually Intrusted by him, her or them, to sign such Promissory Notes for him, her or them, whereby such Person or Persons, his, her or their Servant or Agent as aforesaid, doth or shall promise to Pay to any other Person or Persons, his, her or their Order, or unto Bearer, any Sum of Money mentioned in such Note, shall be Taken and Construed to be by Virtue thereof due and payable to any such Person or Persons to whom the same is made payable; and also every such Note payable to any Person or Persons, his, her or their Order, shall be Assignable or Indorsable over in the same Manner as Inland Bills of Exchange are or may be according to the Custom of Merchants; and that the Person or Persons to whom such Sum of Money is or shall be by such Note made payable, shall and may maintain an Action for the same in such Manner as he, she or they might do upon any Inland Bill of Exchange made or drawn, according to the Custom of Merchants, against the Person or Persons who or whose Servant or Agent, as aforesaid, signed the same: And that any Person or Persons to whom such Note that is payable to any Person or Persons, his, her or their Order, is Indorsed or Assigned, or the Money therein mentioned ordered to be paid by Indorsement thereon, shall and may Maintain his, her or their Action for such Sum of Money, either against the Person or Persons who or whose Servant or Agent, as aforesaid, signed such Note, or against any of the Persons that Endorsed the same, in like manner as in Cases of Inland Bills of Exchange, and in every such Action the Plaintiff or Plaintiffs shall Recover his, her or their Damages and Costs of Suit: And if such Plaintiff or Plaintiffs shall be Non-suited, or a Verdict be given against him, her or them, the Defendant or Defendants shall Recover his, her or their Costs against the Plaintiff or Plaintiffs: And every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may Sue out Execution for such Damages and Costs by Capias, Fieri Facias or Elegit.

XI. And be it further Enacted by the Authority aforesaid, That all and every such Actions shall be Commenced, Sued and Brought within such Time as is Appointed for Commencing or Suing Actions upon the Case, by the Statute made in the Tenth Year of the Reign of King Charles the First, Intituled, An Act for Limitation of Actions, and for avoiding of Suits in Law.

CHAP. XII.

An Act to Amend the Defects of such Acts, as have been made relating to the *Hempen* and *Flaxen Manufactures*; and to Encourage the further Improvement thereof.

FORASMUCH as several Acts of Parliament made in this Kingdom, especially one Act made in the Sixth Year of Her present Majesty's Reign, Intituled, An Act for the Encouragement and Improvement of the Hempen and Flaxen Manufacture, have been found by Experience not to have fully and effectually Answered the Purposes for which they were Intended, and that particularly because no Mention is made nor Encouragement given for Flax-Seed to be Imported; which if Granted, would greatly Conduce to the Improvement of the Linnen Manufacture of this Kingdom.

Præmium for Flax-Seed.

II. Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That whosoever shall Import or cause to be Imported into this Kingdom, any good and sound Flax-Seed of the Growth of Russia, Germany, the Netherlands, or East-Country, at any time within the Remainder of the Nine Years, in the said recited Act mentioned, shall receive for every Hogshead of such Flax-Seed as a præmium the Sum of Five Shillings, to be paid to the Importer by such Officer, and in such Manner as the Five Shillings a Hogshead for Hemp-Seed is by the said Act directed and appointed to be Paid.

Præmium for Sail-Cloth.

III. And for a further Encouragement to the Manufacture of Sail-Cloth, Be it Enacted, That over and above what is allowed in the said former Act, and for every Yard of Sail-Cloth made of sound and good Hemp of Ten pence per Yard Value, and under Fourteen pence so Exported, the Sum of One Penny; and for every Yard of Main-Sail or Course Canvas in Imitation of Holland Duck, of the Value of Fourteen pence or more made of Hemp, two Pence, for the Term of three Years from the Nine and Twentieth of September, One thousand seven hundred and nine, be paid to the Importer by such Officer, and in such Manner, and upon such Examination and Proof as by the said Act is Directed and Appointed.

Houses of Correction.

IV. And whereas no Provision is made by the said Act, for Erecting and Enlarging the Houses of Correction in Counties of Cities and Counties of Towns, and for making the same Work-Houses as is thereby provided for Counties at large.

V. For Remedy whereof, Be it further Enacted by the Authority aforesaid, That the several Houses of Correction in all and every of the Counties of Cities and Counties of Towns, shall before the Twenty Fourth Day of June, One thousand seven hundred and ten, be sufficiently Enlarged; and in Case such Enlargement cannot conveniently be made for want

want of a ſufficient Quantity of Ground thereto next adjoyning, then and in ſuch Caſe, the ſaid Houſe and Houſes of Correction ſhall be built in ſome other more convenient Place within the ſame County of City or Town where there ſhall be a ſufficient Quantity of Ground for the doing thereof, ſuch Place or Places where the ſame ſhall be built, being Sett out and Appointed by the Grand-Jury of every ſuch County of City or Town, at the Summer-Aſſizes, to be Held Yearly for every ſuch County of City or Town, by and with the Conſent of the Proprietors of ſuch Ground, with all the like Conveniencies of Dreſſing and Preparing of Hemp and Flax or either of them, at the Charge of every ſuch County of Town or City reſpectively; and that the Grand-Jury of every ſuch County of City or Town, at the Summer-Aſſizes to be Held Yearly for every ſuch County, may be and are hereby Required and Impowered to Chooſe and Name Overſeers for ſuch Work-Houſe not exceeding three in Number, which Overſeers or any two of them, are alſo to Nominate and Appoint Keepers or Maſters of the ſaid Houſes of Correction or Work-Houſe in their reſpective Counties, which ſaid Overſeers or Maſters of Houſes, ſhall be under ſuch Qualifications, Rules, Directions, Reſtrictions and Orders, as are ſet forth more fully in the aforeſaid Act, in relation to Overſeers and Maſters of Houſes of Correction and Work-Houſes of Counties at large, as alſo to have the ſame Salaries, Allowances, or other Sum or Sums of Money Yearly to them reſpectively paid, and after the ſame Manner with the like Advantages and Profits ariſing out of each ſaid Houſe, as Maſters or Keepers of ſuch Houſes in the Counties at large by Virtue of the ſaid Act.

VI. And be it further Enacted by the Authority aforeſaid, That a Spinning-School or a School for Teaching to Spin Hemp or Flax, ſhall be from and after the Twenty Fourth Day of June, One thouſand ſeven hundred and ten, kept and taught in every County of a Town or County of a City, where any ſuch Work-Houſe as herein mentioned ſhall be to the ſame End and Purpoſe; and under the care of a Perſon duly Qualified purſuant to the ſaid Act, to be Nominated and Appointed by the Overſeers or any two of them reſpectively of every ſuch Work-Houſe; and that the Perſon ſo Teaching to Spin Hemp or Flax ſhall be a Maſter or Miſtreſs, and be under the ſame Government and Direction of ſuch Overſeers or any two of them, and be paid ſuch Annual Sums or Salaries, and receive ſuch Profits and Advantages out of the ſaid School as Perſons Imployed in ſuch Schools in the Counties at large, have by Virtue of the ſaid Act. Spinning-School.

VII. And for Encouraging the Maſters and Keepers of ſuch Houſes of Correction and Work-Houſes, fully to teach and inſtruct his Apprentices in the Art and Myſtery of well Ordering and Preparing of Hemp or Flar, or either of them.

VIII. Be it further Enacted by the Authority aforeſaid, That every ſuch Maſter or Keeper, who ſhall ſo fully Inſtruct and Teach his Apprentice or Apprentices the ſaid Art or Myſtery, as ſhall be Approved of and Allowed by the reſpective Overſeers or any two of them for the Time being, and the Grand-Jury of the ſaid County, at any Aſ- Apprentices to the Maſters of Work-houſes.

fizes for the said County, to be Master of the said Art or Mystery, that then such Master shall for the Space of ten Years, and no longer, to Commence from the First Day of September, which shall be in the Year of our Lord, One thousand seven hundred and nine, have for each and every such Apprentice, not exceeding Five in Number, the Sum of Forty Shillings; which said Sum shall be presented by such Grand Jury in each County, and Applotted in the same Manner as other County Cares or Cesses are; and when Levied the same shall be paid to such Master or Keeper accordingly, without any Fee or Reward to be given for the same, any Act to the contrary made in any wise notwithstanding.

Weaver when to set up for himself.

IX. And for the better Encouragement and Advancement of the Trade, Art or Mystery of the Weaving and Making of Flaxen and Hempen Cloth: Be it further Enacted by the Authority aforesaid, That if any Person whatsoever, being a Native of this Kingdom, not having served his Apprenticeship to the Trade of Weaving Flaxen Cloth for the Space of Five Years, and for the Weaving of Sail-Cloth for the Space of Two Years, and not having wrought at the Flaxen Trade as a Journey man for the Space of Two Years, shall from and after the said First Day of September, Set up for himself and keep a Loom, and work at the same as a Weaver of Linnen Cloth, such Person so Acting shall, upon Complaint and Oath made thereof, before any Justice of the Peace in such County wherein such Person so acting shall live, work or reside, be bound over to the next General Sessions of the Peace held for such County; and being thereof lawfully Convicted, he shall for every such Offence forfeit the Sum of Fifty Shillings, to be levied by Distress and Sale of his Goods, by Warrant from such Sessions of the Peace, rendring to the Party the Overplus, one half of the said Forfeiture to be for the Use of the Person who shall prosecute and sue for the same, and the other half to the Poor of the Parish wherein he doth live or reside; and where no Distress shall be found, such Offender shall be committed to the House of Correction for the Space of One Month.

Penalty.

Masters and Mistresses of Work-houses.

X. And whereas the Nature of the Soil of this Kingdom is very different in the several Provinces thereof, so that some Parts or Counties therein are more proper to produce Hemp, and other Parts or Counties Flax. And whereas the Spinning of Hemp is more properly the Work or Labour of Men, and Spinning Flax the Work or Exercise of Women: Be it therefore Enacted by the Authority aforesaid, That any Person may be deemed and allowed by the Overseers, or any two of them, of such Work Houses, to be duly qualified to be Masters or Keepers of such Work-Houses, who shall be sufficiently Skilled in the saving, managing and dressing of either Hemp or Flax: As also that Men may be allowed to keep, teach and manage such Spinning Schools as are or shall be appointed for Spinning of Hemp, and Women or Men those for the Spinning of Flax, any thing to the contrary hereto in any former Act notwithstanding.

Persons Indicted for executing the Act to plead the General Issue.

XI. And whereas several Persons have been prosecuted by Indictment or Indictments, or otherwise, for what they have acted or done in pursuance of the said former Acts for Improvement of the Hempen and Flaxen Manufactures of this Kingdom, or any

any of them, whereby they have been put to great Charges and Trouble: Be it further Enacted by the Authority aforesaid, That in case any Person or Persons now are or shall hereafter be prosecuted by Indictments, or be otherwise sued or impleaded for what he or they have done, or shall do, in pursuance of this or the said former Acts, or any of them; it shall be lawful to and for such Person or Persons so prosecuted, or otherwise sued or impleaded, upon any Action or other Suit brought or to be brought or commenced against him or them, for Acting pursuant to the said Acts, or any of them, to plead the General Issue, and give this and the said former Acts, or any of them in Evidence: And if the Plaintiff be Non-Suit, or Verdict pass against him, or such Person or Persons be acquitted on such Indictment, the Defendant shall have treble Costs, to be paid by such Plaintiff or Person who shall on Behalf of Her Majesty prosecute such Indictment: And that the said Action or Indictment shall be Tryed in the proper County where such Cause of Action or Suit did arise, or such Fact was or shall be committed, and not elsewhere: And if the said Action or Suit be brought, or Indictment found, in any other County than where the said Fact was or shall be committed, or Cause of Action or Suit did or shall arise; Verdict shall in every such Case pass for the Defendant, and such Defendant shall be dismissed, and shall have treble Costs, to be paid by such Plaintiff or Prosecutor as aforesaid. Treble Costs.

CHAP. XIII.

An Act for Dissolving the Union of the Parishes of *Tynan* and *Derrynoose*, and for Building several Parish Churches in more convenient Places in the Dioceſs of *Armagh*.

WHEREAS pursuant to an Act of Parliament passed in this Kingdom, in a Session held in the Fourteenth and Fifteenth Years of the Reign of King Charles the Second, Intituled, An Act for Real Union and Division of Parishes, and concerning Churches, Free-Schools and Exchanges, the Parish and Rectory of Derrynoose in the Dioceſs of Armagh, is united in Perpetuity to the Parish and Rectory of Tynan in the said Dioceſs; and the said Parishes and Rectories of Derrynoose and Tynan are made and constituted one intire Rectory and Parish, by and under the Name of the Rectory and Parish of Tynan.

II. And whereas by the late Increase of Protestant Inhabitants in the said United Parishes of Tynan and Derrynoose, the Cure is become too great to be discharged by one Minister, and the Parochial Church of the said United Parishes is not large enough for the convenient Accommodation of the Parishioners of the said United Parishes, to hear Divine Service and perform Religious Duties in; as also for that most part of the said late Parish of Derrynoose lieth at too great a distance from the Parochial Church of the said United Parishes.

III. For Remedy therefore of the said Inconveniencies, and to the end that the Cure of the Souls of the Inhabitants of the said United Parishes may be better attended and taken care of than the same can be by one Person, and the Inhabitants of the said United Parishes be encouraged by the Accommodation they will have for the Worship of God in Publick, frequently and constantly to resort and repair to their several Parish Churches for the due performance of Religious Duties, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled and by the Authority of the same, That from and after the Twenty Ninth Day of September, One thousand seven hundred and nine, the said Union of the said Parishes of Derrynoose and Tynan be Null and Void; and the same is hereby declared to be Null and Void to all intents and purposes whatsoever, and the said Parishes of Tynan and Derrynoose are and shall for ever thereafter be deemed, esteemed and taken as two distinct Parishes, and be divided and separated in such manner and by such Mears and Bounds as they were before they were United as aforesaid, and each of them shall be separate and independent from the other, and shall each of them by it self have all Parochial Rights and Privileges as separate and distinct Parishes, any thing in the said Act of Parliament or the said Union to the contrary thereof in any wise notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That there shall be for each of the said Parishes a several Parochial Church, and a Rector or Minister, several and independent from the other, and constant and perpetual Succeeding Rectors or Ministers there for ever, who shall each of them have respectively the Cure of Souls in the said respective Parishes, and have, enjoy and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, Obventions, Easter Dues, and other Duties, Rates, Assessments or Taxations, as arise, grow or renew within the said respective Parishes, and are due, and of right ought to be paid to the Rectors or Ministers of such Parishes, and that there shall be for each of the said Parishes, Church-Wardens, a Parish Clark, and other usual Parish Officers in Succession for ever, who shall perform the several and respective Parish Duties belonging to their respective Offices; and have and receive the several and respective Profits, Benefits, Advantages and Privileges usually enjoyed with and of right belonging to such respective Offices in Parishes; and also, that all the Parishioners, Inhabitants, and others of the said respective Parishes, shall separately pay all Parish Charges, Assessments and other Duties, in such manner as they should or ought to have done in case the said Union had never been made; And also that the Minister or Rector, and Parishioners of each of the said Parishes, shall and may hold Vestries, and make Rules and Orders, for the regulation and ordering of their respective Parishes; and for the Reparations of the said Parish Churches from time to time, and of all other Matters incident to Parishes as any other Parishes may or can do, which Rules and Orders so to be made, shall have the same Force and Effect in Law,

Law, as Rules and Orders by them made before the said Union, and no greater or other.

V. And be it further Enacted by the Authority aforesaid, That the Right of Patronage of the said several Rectories, and of Collation to the said Churches on the present Avoidance of the said Church of Derrynoose, and the Avoidance of each of the said Churches of Tynan and Derrynoose respectively by the Death, Cession or Removal of the respective Incumbents thereof, shall belong unto his Grace the Lord Arch-Bishop of Armagh, and his Successors for ever, in such manner as it did before the making the said Union and not otherwise.

VI. And whereas the Antient Parish-Church of Derrynoose is very inconveniently Situated and in a ruinous condition, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Arch-Bishop of Armagh, and the Rector of the said Parish of Derrynoose for the time being, with the consent of the Church-Wardens and the Major part of the Inhabitants thereof, at a Vestry to be held in some convenient place in the said Parish, within Four Days after publick Notice be given thereof for that purpose to all the Parishioners, by Writing under the Hand of the said Arch-Bishop of Armagh, to Build a new Church in some more convenient place in the said Parish as they shall think fit, the Land for the Church and Church-Yard being first conveyed by the Proprietor of such place to the Rector or Minister of the said Parish, and his Successors for ever, and that it shall and may be lawful for such Proprietor, and he or she is hereby enabled to set out, grant and convey a sufficient parcel of Ground not exceeding one Acre and a half of Plantation Measure to the Rector or Minister of the said Parish and his Successors, in Trust and for the Use of the said Parish, who is hereby enabled to take and receive a grant of the same to him and his Successors for ever, any Settlement, Law or Act of Parliament to the contrary hereof in any wise notwithstanding.

VII. And if the Church-Wardens and Major part of the Parishioners shall not within the space of Three Years after the First Day of November, One thousand seven hundred and nine, agree upon some place to Build the said Church on, the Arch-Bishop of the Diocese for the time being, with the Consent of the Proprietor of the Land where the said Church is to be built on, shall appoint a place for building the said Church in the said Parish, in the Center of the said Parish, or as near thereunto as conveniently may be, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wise notwithstanding.

VIII. And the said Church, when Built and Consecrated, shall for ever remain, be deemed and reputed the true and only Parish-Church of the said Parish of Derrynoose to all Intents and Purposes whatsoever.

IX. And whereas the Parish-Church of Killevy in the said Diocese of Armagh, is very inconveniently Situated, and very remote from the Inhabitants of the said Parish: Be it further Enacted by the Authority aforesaid, that it shall and may be lawful to and for the Rector or Incumbent, and Church-Wardens of the said Parish for the time being,

ing, by and with the Consent and Approbation of the Arch-Bishop of Armagh for the time being, under his Hand and Seal, and by the Consent of the Major part of the Inhabitants thereof, Assembled at a Vestry to be held for that purpose, to build a new Church in some more convenient place in the said Parish as they shall think fit, the Lands on which such Church shall be built, with a convenient Church-Yard, being first conveyed by the Proprietor thereof to the Rector or Incumbent of the said Parish, and his Successors for ever; and that it shall and may be lawful for the said Proprietor to Convey and Grant any Quantity of Land, not exceeding One Acre and Half of Plantation-Measure: And the said Rector or Incumbent is hereby enabled to Take and Receive such Grant of such Land for the Use aforesaid, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wise notwithstanding.

X. And the said Church when Built and Consecrated, shall for ever Remain, and be Deemed and Reputed the true and only Parish-Church of the said Parish of Killevy to all Intents and Purposes whatsoever.

XI. And be it further Enacted by the Authority aforesaid, That the Precinct or Territory of Tartaraghan in the County of Armagh, shall from and after the First Day of November in this present Year of our Lord, One thousand seven hundred and nine, for ever be a Parish by the Name of the Parish of Tartaraghan; and that there shall be for the said Parish a Rector, Church-Wardens, a Parish-Clark and other usual Officers in Succession for ever, who shall perform the several and respective Parish Duties belonging to their respective Offices; and shall have and receive the Profits, Benefits, Privileges and Advantages usually Enjoyed with, and of right belonging to such Offices in Parishes.

XII. And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Lord Archbishop of Armagh, for the Time being, with the Consent of the Church Wardens and major part of the Inhabitants of the said Parish, in Writing under their Hands at a Vestry to be held within Four Days after Publick Notice thereof given for that Purpose, to Build a new Church in the Centre of the said Parish, or as near thereunto as conveniently may be, the Land for the Church and Church-Yard, being first Conveyed by the Proprietor of such Place to the Rector or Incumbent of the said Parish, and to his Successors for ever.

XIII. And that it shall and may be lawful to and for any Proprietor of Lands within the said Parish, Precinct or Territory of Tartaraghan, to Grant and Convey to the Rector or Incumbent of the said Parish, and to his Successors for ever, sufficient Ground not exceeding two Acres of Plantation-Measure for Building and Making a Church and Church-Yard, the said Grant and Conveyance to be in Trust for and for the Benefit of the Inhabitants of the said Parish; And the said Rector or Incumbent is hereby enabled to take such Grant or Conveyance, the Statute of Mortmain or any other Act of Parliament, Law or Settlement to the contrary thereof notwithstanding.

XIV. And the said Church when Built and Consecrated, shall be called, reputed and remain the Parish-Church of the said

ſaid Pariſh of Tartaraghan for ever; and that the ſaid Church ſhall be Built at the Charge of ſuch Pariſhioners on ſuch convenient part of the ſaid Land ſo to be purchaſed, as the ſaid Rector, Church-Wardens, and major part of the Inhabitants of the ſaid Pariſh of Tartaraghan aſſembled in Veſtry, ſhall by Writing under their Hands Appoint and Direct.

XV. And be it further Enacted by the Authority aforeſaid, That Alexander Shand Clerk, ſhall be the firſt Rector of the ſaid Rectory or Pariſh of Tartaraghan, which ſaid Rector and his Succeſſors, ſhall be Subject to the Viſitation and power of the Ordinary of the Dioceſs of Armagh, and of ſuch Canons, Rules and Laws Eccleſiaſtical, as other Rectors or Pariſh-Churches uſually are, and of Right ought to be Subject and Liable unto.

XVI. And alſo, That the ſaid Rector and Pariſhioners of the ſaid Pariſh, ſhall and may hold Veſtries, and make Rules and Orders for the Regulation and Ordering of the ſaid Pariſh, and for the Reparations of the ſaid Pariſh-Church from time to time, and of all other Matters incident to Pariſhes, and in ſuch Manner as any other Pariſh may or can do, which Rules and Orders ſo to be made, ſhall have the ſame Force and Effect in Law, as Rules and Orders made in other Pariſhes have or ought to have.

XVII. And whereas Francis Obre of Clantlew in the County of Armagh Gentleman, by his Deed bearing Date the Sixteenth Day of June, One thouſand ſix hundred ninety eight, for the Conſiderations therein mentioned, and in Order to have the Cure of the ſaid Precinct or Territory of Tartaraghan duly Served, did Grant and Convey unto the moſt Reverend Father in God Michael late Lord Archbiſhop of Armagh, and to his Succeſſors for ever, to be employed to the Service of the Cure of Souls in the ſaid Precinct or Territory, all and ſingular the Tythes great and ſmall, and other Eccleſiaſtical Dues of the ſeveral Town-Lands of Clantlew, Breagh, Egliſh, Bullinery, Derrilee, Taghloge, Derriagh and Derryene, Lying and Being in the ſaid Precinct or Territory; and belonging to him the ſaid Francis Obre, and of all other Lands he had in the ſaid Precinct or Territory. May it pleaſe Your moſt Excellent Majeſty, at the humble Requeſt of the moſt Reverend Father in God Narciſſus Lord Archbiſhop of Armagh, Primate and Metropolitan of all Ireland, that it may be Enacted; And be it further Enacted by the Authority aforeſaid, That all and ſingular the ſaid laſt mentioned Tythes, and other Eccleſiaſtical Dues ſo Conveyed to the ſaid late Archbiſhop, ſhall be and the ſame are hereby Veſted in the Rector of the ſaid Pariſh-Church of Tartaraghan, and his Succeſſors, to the Uſe of the ſaid Rector and his Succeſſors for ever.

XVIII. And be it further Enacted by the Authority aforeſaid, at the humble requeſt of the Right Honourable William Lord Viſcount Charlemont, and of Arthur Brownlow of Lurgan in the County of Armagh Eſquire, that all and ſingular the Tythes great and ſmall, and all other Eccleſiaſtical Dues, being, ariſing and renewing in the ſaid Precinct or Territory of Tartaraghan, whereof the ſaid William Lord Viſcount Charlemont and Arthur Brownlow, or either of them, are or is Seized, Poſſeſſed or Intituled unto, ſhall be and the ſame are hereby veſted in the Rec-

for of the ſaid Pariſh-Church of Tartaraghan, and his Succeſſors, to the uſe of the ſaid Rector and his Succeſſors for ever, the Statute of Mortmain, or any other Act of Parliament, Law, or any Deed or Settlement, made by the ſaid Lord Viſcount Charlemont or Arthur Brownlow, or any of their or either of their Anceſtors, to the contrary in any wiſe notwithſtanding.

XIX. And be it further Enacted by the Authority aforeſaid, That the Right of Patronage of the Rectory of Tartaraghan, and of Preſentation to the ſame on the avoidance thereof, ſhall belong unto and be veſted in the ſaid William Lord Viſcount Charlemont and his Heirs for the two firſt turns, and in the ſaid Francis Obre during his Life for a third turn, and after the Deceaſe of the ſaid Francis Obre the right of Patronage and Collation to the ſaid Rectory, ſhall belong unto and be veſted in the ſaid Arch-Biſhop of Armagh, and his Succeſſors for the ſaid third turn, then on the avoidance thereof the Right of Patronage and Preſentation ſhall belong unto and be veſted in the ſaid Arthur Brownlow and his Heirs for another turn, and ſo by Deſcent and in Succeſſion reſpectively for ever.

XX. And whereas the Pariſh-Church of Arboe in the ſaid Dioceſs of Armagh, is inconveniently ſituated and remote from the Proteſtant Inhabitants, and Center of the ſaid Pariſh and frequently inacceſſable; Be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Rector or Incumbent, and Church-Wardens of the ſaid Pariſh for the time being, by and with the Conſent and Approbation of the Arch-Biſhop of Armagh for the time being, and Patrons of the ſaid Pariſh-Church, under their Hands and Seals reſpectively, and by the Conſent of the Major part of the Inhabitants thereof, in Writing under their Hands at a Veſtry to be held within Four Days after publick Notice given thereof for that purpoſe to all the Pariſhioners, by Writing under the Hand of the ſaid Arch-Biſhop, to Build a new Church on the Lands of Aghacollum belonging to the Rector of the ſaid Pariſh of Arboe near the Center of the ſaid Pariſh, or in ſuch other more convenient place in the ſaid Pariſh as they ſhall think fit, ſuch part of the ſaid Land of Aghacollum being firſt ſet out by the ſaid Rector, or ſuch other Land on which ſuch Church ſhall be intended to be Built with a convenient Church-Yard, being firſt conveyed by the Proprietor thereof to the ſaid Rector or Incumbent and his Succeſſors for ever; and in caſe it ſhall not be thought convenient by the Lord Arch-Biſhop, Rector, Church-Wardens and Major part of the Inhabitants to Build the ſaid Church on the ſaid Land of Aghacollum.

XXI. Be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful for any other Proprietor of Land within the ſaid Pariſh and his Heirs, to convey to the ſaid Rector or Incumbent, and his Succeſſors for ever, to and for the uſes and purpoſes herein laſt mentioned, any quantity of Land not exceeding one Plantation Acre; and that it ſhall and may be lawful to and for ſuch Perſons to take a Grant thereof, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wiſe notwithſtanding; And

the

the ſaid Church when Built and Conſecrated, ſhall for ever remain and be deemed and reputed the true and only Pariſh-Church of the ſaid Pariſh of Arboe, to all intents and purpoſes whatſoever.

XXII. And to the intent that the ſaid ſeveral Churches may be Built, Be it further Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſeveral Rectors, Church Wardens, and Major part of the Inhabitants of the ſaid ſeveral Pariſhes reſpectively, at the reſpective Veſtries to be held in the ſaid Pariſhes reſpectively, to Applot and Ceſs ſuch reaſonable Sums on the ſeveral Inhabitants thereof reſpectively as they ſhall think neceſſary for the ſeveral purpoſes aforeſaid, to be recovered as Ceſſes for Reparation of Churches in this Kingdom are uſually ſaving to the Queen's moſt Excellent Majeſty, Her Heirs and Succeſſors, and to all Bodies Politick and Corporate, and all other Perſons whatſoever, except the ſaid Lord Viſcount Charlemont, the ſaid Arthur Brownlow, and the ſaid Francis Obre, and their Heirs, and all Perſons Claiming any Right, Title or Intereſt, by vertue of or under any Settlement or Deed made by the ſaid Lord Viſcount Charlemont or Arthur Brownlow, their or either of their Anceſtors, all ſuch Right, Title, Claim or Demand, which they or any of them may have to the ſaid Tithes or Eccleſiaſtical Dues as if this Act had not been made.

XXIII. And be it further Enacted by the Authority aforeſaid, That this Act ſhall be taken and deemed a Publick General Act by all Perſons whatſoever, and as ſuch ſhall paſs without payment of any Fees whatſoever.

Anno Regni Nono Annæ Reginæ.

CHAP. I.

An Act for the better Securing to Her Majeſty, the Payment of ſuch Duties as ſhall be Granted to Her Majeſty, this Seſſion of Parliament.

CHAP. II.

An Act for Granting to Her Majeſty, An Additional Duty on Beer, Ale, Strong-Waters, Tobacco, and other Goods and Merchandizes.

CHAP. III.

An Act to Enforce ſuch Acts as have been made for the Improvement of the Linnen-Manufacture, and for a further Regulation of the ſame.

FORASMUCH as the Flaxen and Hempen Manufacture is found to be in a declining Condition, notwithſtanding the ſeveral Acts of Parliament made in this Kingdom for the Encouragement and Improvement thereof, more eſpecially an Act made in the laſt Seſſion of this preſent Parliament, Intituled, An Act for Granting to Her Majeſty, an additional Duty on Beer, Ale, Strong-Waters, Tobacco, Callicoes, Linnens, and other Goods and Merchandizes, and alſo a Duty on Rock-Salt.

II. And whereas the ſeveral Acts of Parliament have not anſwered the ſaid Purpoſes for which they were Intended, chiefly, becauſe the ſaid Encouragements ſo Granted, have not been put under any juſt Regulation or Management.

III. And whereas a Duty on all White Painted and Stained Callicoes, and all Sorts of Linnen, which ſhall be Imported into this Kingdom at any Time within the Space of one Year, which Commenced the Twenty Fifth of June, One thouſand ſeven hundred and nine, is to continue by the ſaid Act, until the Twenty Fifth of June, One thouſand ſeven hundred and ten, and from thence to the end of next Seſſion of Parliament, and no longer.

IV. And whereas the future Improvement of the ſaid Hempen and Flaxen Manufacture, Depends in a great meaſure upon the Continuance of that Duty, and a juſt Diſtribu- Duties on Linnen and Callicoes.

tion of it, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That all White Painted and Stained Callicoes, and all Sorts of Linnen which ſhall be Imported into this Kingdom at any time within the Space of Seven Years, Commencing from the End of the next Seſſion of Parliament, and from the Expiration of the ſaid Term of Seven Years, to the End of the then next Seſſion of Parliament Enſuing, ſhall Anſwer and Pay unto Her Majeſty, the ſeveral Rates and Duties following (that is to ſay) One Shilling and Six Pence per Yard, for every Yard of White Painted and Stained Callicoes, which ſhall be Imported into this Kingdom, within the Time aforeſaid, and ſix Pence per Yard, for every Yard of any Sort of Linnen which ſhall be Imported into this Kingdom during the Time aforeſaid, the ſaid ſeveral Duties, to be Raiſed, Levied, Collected and Paid to Her Majeſty, Her Heirs and Succeſſors, during the reſpective Times aforeſaid, over and above all other Duties payable for the ſame, by Virtue of an Act made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling of the Exciſe or new Impoſt upon His Majeſty, His Heirs and Succeſſors, according to the Book of Rates therein inſerted; and by Virtue of one other Act made in the ſaid Fourteenth Year of the Reign of the ſaid King Charles, Intituled, An Act for Settling the Subſidy of Poundage, and Granting a Subſidy of Tunnage, and other Sums of Money, unto His Royal Majeſty, His Heirs and Succeſſors, the ſame to be paid upon Merchandizes Imported and Exported into or out of this Kingdom of *Ireland*, according to a Book of Rates thereunto annex'd.

Application of the Linnen Duties to the uſe of the Hempen and Flaxen Manufactures.

V. And be it further Enacted by the Authority aforeſaid, That the aforeſaid reſpective Duties Laid and Impoſed by this Act, on all White Painted and Stained Callicoes and other Sort of Linnen, which ſhall be Imported into this Kingdom, after the End of next Seſſion of Parliament for the Space of Seven Years, and from thence until the end of the then next Seſſion of Parliament enſuing, ſhall be applied to the Uſe of the Hempen and Flaxen Manufactures in this Kingdom, and to no other Uſe whatſoever.

Board of Truſtees of the Linnen Manufactures appointed.

VI. And that the Duties may effectually Anſwer the Purpoſes for which they are intended, Be it further Enacted by the Authority aforeſaid, That the Lord Lieutenant or other Chief Governor or Governors of this Kingdom for the Time being, ſhall and may, and is hereby Enabled to Nominate and Appoint certain Truſtees for the Diſpoſal and Management of the ſaid Duties, according to the Truſts and Powers herein after veſted in them, to Conſiſt of an equal Number of Perſons out of each of the four Provinces of this Kingdom.

Warrant for Money.

VII. And be it further Enacted by the Authority aforeſaid, That the ſeveral Sums of Money Ariſing from the ſaid Duties ſo Granted, ſhall from Time to Time be Paid by the Vice-Treaſurer or the Receiver-General of this Kingdom to the Truſtees, by Warrant under their Hands, or the Hands of the Major part of them preſent, ſuch Majority not being leſs than Five in Number, which ſhall be Appointed purſuant to this Act, without any further or other Warrant to be Sued for, Had or Obtained in that behalf.

VIII. And

VIII. And be it further Enacted by the Authority aforesaid, That the said Trustees or the major part of them as aforesaid, shall and may from Time to Time as often as they shall think fit, Meet and Assemble together in some convenient Place to Settle and Adjust such Matters as may be most reasonable and conducive to the Establishing and Carrying on the said Manufactures in this Kingdom, and for preventing all Abuses that may happen in the same. Trustees to meet.

IX. And forasmuch as the Hempen Manufacture of this Kingdom deserves a due Encouragement, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees or the major part of them as aforesaid, and they are hereby Required to Apply annually during the Continuance of the said Duties, one Moiety of the Money so Arising from them to the Advancement and Carrying on the said Hempen Manufacture of this Kingdom; and also, That it shall and may be Lawful to and for the said Trustees or the major part of them, and they are hereby Required to Apply the other Moiety of the Money so Arising from such Duties, to the Improvement and Encouragement of the Flaxen Manufacture in this Kingdom. Linnen Duties, one half to be Applied to the Hempen Manufacture, and the other to the Flaxen Manufacture.

X. And be it further Enacted by the Authority aforesaid, That the said Trustees or the major part of them, shall and may Appoint a Clerk, Door-Keeper, and other necessary Servants to Attend them, and Ascertain and Direct proper Salaries for the said Clerk, Door-Keeper, and other Servants respectively, not exceeding in the whole the Sum of One Hundred Pounds per Annum, to be paid out of the said Duties Granted as aforesaid; and that the said Trustees or the major part of them, such Majority not being under seven in Number, shall and may Enter into any Contract or Contracts with any Person or Persons, that they or the major part of them as aforesaid, shall Judge proper for the Carrying on of the said Hempen and Flaxen Manufacture. Servants Appointed. Power to Contract.

XI. And to the Intent that every Buyer of Cloth may know the exact Number of Threads in the Breadth or Warp of all Linnen Cloth, and thereby judge of the Goodness thereof.

XII. Be it further Enacted by the Authority aforesaid, That from and after the First Day of January, in the Year of our Lord, One thousand seven hundred and eleven, every Weaver shall be Obliged on the Penalty of Five Shillings at the end of every Piece of Cloth he shall Weave, except Diapers, Damasks and Hugabacks, to run a very coarse Thread coloured with Black and Oyl, through every two hundred Threads of the Warp of the said Cloth, so as to Distinguish the Number of Hundred of Threads in the Breadth of the said Cloth, and also another coarse coloured Thread as aforesaid, to be run within less than One Quarter of an Inch of the former, in like Manner through every Forty Threads of the Warp of the said Cloth, so as to distinguish the Number Beers or Scores of Threads in the Breadth of the said Cloth; and in Case any Weaver shall so Mark his Cloth with the Coloured Thread in such Manner as aforesaid, to make them Appear to be One hundred or more Threads than they really are, to forfeit Twenty Shillings for every Piece so made, the said several Penalties to Breadth of Cloth to be marked with a black Thread. Penalty.

go to the Informer, and to be Levied by Warrant under the Hand and Seal of any one Justice of the Peace, on the Goods and Chattles of the Person offending, by Distrels and Sale.

Prosecutors to Appeal to the Assizes.

XIII. And forasmuch as many of Your Majesty's faithful Subjects of this Kingdom who have applied their Industry to deal in the Linnen Trade are greatly discouraged therein, by the not Executing of the Statute made in this Kingdom, in the Second Year of Your Majesty's Reign, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom; For Remedy whereof, Be it further Enacted by the Authority aforesaid, That in Case any Justice of the Peace, or Chief Magistrate of any Corporation in this Kingdom, within the Limits of their respective Jurisdictions and Authority, shall neglect or refuse to Execute the said Statute, or in the Execution thereof, shall fail of pursuing of the Intent and Meaning of the said Statute, to the discouragement of the Informer, or to the wilful detriment or prejudice of the Party Informed against, that then and in such Case it shall and may be lawful to and for the Party or Parties Aggrieved, to make his or their Appeal or Appeals, to the next going Justice or Justices of Assize of that Circuit, who shall by the Authority of this Act, be Enabled and Required to Examine in open Court, into the truth of the Allegations of all and every the Parties, as to the Rights and Interests of the Parties Litigant, and to make such final Judgment, Order and Decree therein, as to such Justice or Justices of Assize shall seem meet and reasonable, for the furtherance of the Ends and Purposes of the said Statute.

Justices of Peace Fineable for neglect,

XIV. And as for and concerning the Conduct and Behaviour of the Justice of the Peace, or Chief Magistrate of any Corporation within the Limits of their respective Jurisdictions and Authorities, in relation to the Execution of the said Act, and within the Counties whereunto the said Justice or Justices of Assize are Commissionated or Appointed, in case the said Justice of the Peace or Chief Magistrate, do appear on such Examination as aforesaid in open Court Evidently, to have neglected or otherwise to have Abused the Authority to him given by the said Act, that then it shall and may be lawful to and for the said Justice or Justices of Assize, and he or they are hereby required to Impose a Fine not exceeding five Pounds, on such Justices of the Peace or chief Magistrate, according to the nature of such Offence, in order to deter others from neglecting or abusing their Authorities in like Occasions, the said Fine to go to the Informer, and to be recovered by Civil Bill.

XV. And whereas the Linnen Cloth of this Kingdom, is under some Disreputation Abroad, by reason of their not containing the same Breadths and Lengths for which they are Sold.

Denomination of Cloths.

XVI. And whereas the Merchants who export the Linnen Cloth of this Kingdom, do not know what Appellations or Names to give the said Cloth whereby to distinguish them, which is a disadvantage to the said Cloths.

XVII. Be

XVII. Be it therefore Enacted by the Authority aforesaid, That every Piece of Linnen Cloth of one Yard and a Quarter in Breadth, containing at the least Twenty Four Yards in Length, shall be called by the Name of Ulster's. Every Piece containing one Yard and half a Quarter in Breadth, and at the least Twenty Four Yards in Length, to be called by the Name of Lurgan's. Every Piece of Linnen containing one Yard in Breadth, and at the least Twenty Yards in Length, to be called by the Name of Lisburne's. Every Piece of Linnen containing three Quarters and a half in Breadth, and at the least Twenty Yards in Length, to be called by the Name of Colleraine's. Every Piece of Linnen containing three Quarters and a Nail in Breadth and at the least Twenty Yards in Length, to be called Antrim's. Every Piece of Linnen containing three Quarters in Breadth and at the least Twenty Yards in Length, to be called Dungannon's. Every Piece of Linnen containing half a Yard and half a Quarter in Breadth, and at the least Thirty Yards in Length, to be called Munster's. That every Person who shall Expose any Cloth to Sale under any of the Denominations before mentioned, shall make on a Parchment Label appending to the said Cloth the Name of the said Cloth, and the number of Yards, and the Breadth thereof, for which he is to be answerable, as also the Length and Breadth of every Piece of Diapers, and every Piece of Canvas of the several sorts mentioned in the Act for the further Improving the said Manufacture.

XVIII. And whereas by an Act, Intituled, An Act to amend the Defects of such Acts as have been made relating to the Hempen and Flaxen-Manufactures, and to Encourage the further Improvement thereof; an Encouragement was intended to be given to the Exporter of Sail Cloth, yet by mistake in the Ingrossing or Transcribing the said Act, a Premium of one Penny per Yard for every Yard of Sail-Cloth of Ten pence per Yard value, and under Fourteen Pence Exported, and a Premium of two Pence per Yard for every Yard of Main-Sail or coarse Canvas, in imitation of Holland-Duck, of the value of Fourteen Pence or more, was given to the Importer instead of the Exporter thereof.

XIX. Be it Enacted by the Authority aforesaid, That the said several Premiums by the said Act expressed to be given to the Importer, shall be given to the Exporter, and not to the Importer of such Sail-Cloth. Premium to the Exporter of Sail-Cloth.

CHAP. IV.

An Act for bringing an Appeal in Case of Murder, notwithstanding the Statute of the Tenth of King *HENRY* the Seventh, whereby Murder is made High-Treason.

WHEREAS by an Act of Parliament made in this Kingdom, in the Tenth Year of the Reign of King Henry the Seventh, Intituled, An Act whereby Murder of Malice Prepence, is made Treason; a Doubt has arisen, whether any Ap-

peal of Murder ſince making the ſaid Act, can or may be brought by the Subjects of this Realm and others, as the ſame might have been brought before making the ſaid Act, by reaſon whereof many Murders have Eſcaped Unpuniſhed, for clearing of which Doubt, Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That nothing in the ſaid Act ſhall from henceforth be Taken, Conſtrued, or Intended to Barr or Take away the Right of any Perſon or Perſons from Bringing Appeals of Murder, but that ſuch Appeals of Murder, ſhall and may from henceforth be had and brought, and ſuch Proceſs, Proceedings and Judgment, ſhall and may be thereupon had and given, as might have been brought, had, made and given at or before making of the ſaid Act, the ſaid Statute or any thing therein contained to the contrary in any wiſe notwithſtanding.

Nothing in *Stat.* 10. *H.* 7. Cap 21. ſhall bar the Right of any Perſon from bringing an Appeal of Murder.

CHAP. V.

An Act for the further Explaining and Putting in Execution *An Act for Planting and Preſerving Timber, Trees and Woods.*

WHEREAS by an Act of Parliament paſſed in this Kingdom, in the Tenth Year of the Reign of our late Sovereign Lord King William the Third of Glorious Memory, Intituled, An Act for Planting and Preſerving Timber, Trees and Woods; it is Enacted, That for Aſcertaining the Number of Trees by the ſaid Act Appointed to be Planted in each County, the Grand-Jury at the Summer-Aſſizes in the Year One thouſand ſeven hundred and two, ſhould Apportion the Number of Trees to be Planted within ſuch County, on each reſpective Barony therein; and alſo Subdivide the Proportion of each Barony into ſeveral Pariſhes therein, and that the reſpective High Conſtables ſhould Certifie and Deliver to the Miniſter and Church-Wardens of each Pariſh, the Number of Trees Preſented by the Grand-Jury to be Planted within ſuch Pariſh, to the Intent that the Miniſter and Church-Wardens ſhould Summon a Veſtry of the ſaid Pariſh, to Agree and Adjuſt what Number of Trees ſhould be the Proportion of each Perſon within the ſaid Pariſh, or having or holding any Land therein, as by the ſaid Act, relation being thereunto had, may more fully Appear.

II. Now forasmuch as the Methods Preſcribed by the ſaid Act, for Proportioning the Number of Trees to be Planted within each Pariſh, either have not been duly Obſerved, or at leaſt have not Anſwered the good Intent and Meaning of the ſaid Act.

The Clerks of the Crown after each Circuit to deliver or cauſe to be delivered a

III. Be it Enacted by the Queen's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That the

the ſeveral and reſpective Clerks of the Crown within this Kingdom, ſhall within Forty Days next after the End of each Circuit, Deliver or cauſe to be Delivered under their Hand to the High-Conſtable of each Barony in every County of this Kingdom within their reſpective Circuits, a true Copy of the Subdiviſion and Appoꝛtionment as afoꝛeſaid of the Number of Trees to be Planted in the ſeveral Pariſhes of ſuch reſpective Barony, the ſeveral Clerks of the Crown Taking and Receiving foꝛ every ſuch Certificate as a Fee foꝛ ſo doing, the Sum of Twelve Pence foꝛ each Pariſh, and no moꝛe; and that the reſpective High-Conſtables within one Kalendar Month after their Receiving ſuch Subdiviſions and Appoꝛtionments as afoꝛeſaid, ſhall Certify and Deliver to the Miniſter and Church-Wardens of each Pariſh within their reſpective Barony under their Hands, the Number of Trees Pꝛeſented by the ſaid Gꝛand-Jury, to be Planted within ſuch Pariſh, taking as Fee foꝛ ſo doing ſix pence and no moꝛe; and that the Miniſter and Church-Wardens, within one Month after Delivery of ſuch Certificate to them as afoꝛeſaid, ſhall Summon a Veſtry of the ſaid Pariſh, and ſhall there Agree and Adjuſt what Number of Trees ſhall be the Pꝛopoꝛtion of each Perſon, by Name within ſuch Pariſh reſpectively, oꝛ having oꝛ holding any Land therein, and ſhall cauſe the ſame to be fairly Ingroſſed and Entered in a Book oꝛ Books foꝛ that Purpoſe, to be Pꝛovided by the Miniſter and Church-Wardens of each Pariſh, reſpectively to be Depoſited and Lodged in the Veſtry, with the reſpective Church-Wardens, that the Inhabitants of the Pariſh may have Recourſe thereunto, and a View thereof without any Fee oꝛ Reward, all which ſeveral Sums of Money to be Paid as afoꝛeſaid, to the Clerk of the Crown and High-Conſtables of Baronies, as Fees foꝛ their Certificates, and the Money to be laid out in Pꝛoviding Books to be Lodged in the Veſtries as afoꝛeſaid, ſhall be done at the Charge of each Pariſh, and ſhall be Applotted, Levied and Raiſed on the Inhabitants of each reſpective Pariſh, in ſuch Manner as other Pariſh Dues, foꝛ Repairing of Churches are Applotted, Levied and Raiſed, and if the Clerks of the Crown oꝛ High-Conſtables, oꝛ the Miniſter and Church-Wardens afoꝛeſaid, oꝛ any of them ſhall Omit oꝛ Neglect to do, what they are ſeverally and reſpectively hereby Required to do and perfoꝛm, the Perſon oꝛ Perſons ſo Failing oꝛ Neglecting to do, what is by this Act Required on his oꝛ their Parts to be done and perfoꝛmed, ſhall foꝛ every ſuch Failure oꝛ Neglect Foꝛfeit the Sum of Forty Shillings, to be Recovered by Civil Bill at the Aſſizes, by ſuch Perſon oꝛ Perſons who ſhall Pꝛoſecute and Sue foꝛ the ſame.

true Copy of the Number of Trees in each Barony and County.

IV. And whereas, by the not Agreeing and duly Adjuſting what Number of Trees, each Perſon by Name ſhould Plant in their reſpective Pariſh, ſeveral Penalties and Foꝛfeitures are already Incurred, which if duly Exacted might Tend to the great Damage of many pooꝛ People.

V. Be it Enacted by the Authoꝛity afoꝛeſaid, That all Penalties and Foꝛfeitures already Incurred by any Perſon oꝛ Perſons whatſoever, foꝛ not Planting any Soꝛt, Number oꝛ Quantity of Trees Required by the ſaid Act, oꝛ any other Act paſt in this Kingdom, Intituled, An Act for Explaining and Putting in Execution, An Act for Planting and Preſerving Tim-

Timber, Trees and Woods, and for Explaining and Putting in Execution, An Act to avoid and prevent diverse Misdemeanors, in Idle and Lewd Persons in Barking of Trees be Remitted, and by Vertue of this Act they are hereby Remitted and Discharged,

VI. And be it further Enacted by the Authority aforesaid, That every Person or Persons that are Obliged by the aforesaid Acts, to Plant any Number or Quantity of Trees which they have not already Planted, shall have further Time, till the Twenty Fifth Day of March, One thousand seven hundred and twelve for Planting the same, within which Time they shall Plant the same on Pain to Forfeit, as by the said former Acts they were to Forfeit.

That all Trees Planted to be planted out of Nurseries only.

VII. Provided always, And be it further Enacted by the Authority aforesaid, That all Trees hereafter to be Planted, pursuant to the several Acts herein before mentioned, be Planted out of Nurseries only, and not from Woods and other Places as have been too frequently Practised, to the Destruction of Woods and Timber, and in Case any Person or Persons do, or shall Plant otherwise than as is hereby Directed and Required, he or they so Planting shall for every Tree or Trees so Planted from the Woods, Forfeit the Sum of Two Pence for each Tree, to be Recovered in a Summary Way by Civil Bill at the Assizes, by such Person or Persons, who shall Prosecute or Sue for the same.

VIII. And whereas the cutting and using Gadds or Withs, is found to be very Destructive to all Young Plantations of Woods.

No use to be made of Gadds or Withs on Plows or Carrs, &c.

IX. Be it further Enacted by the Authority aforesaid, That any Person or Persons who shall from and after the First Day of September, One thousand seven hundred and eleven, Cut or make use of any Gadds or Withs, on his or their Plows, Carrs, Carts, Harness, Tackle or otherwise, or in whose Custody or Possession any Gadds or Withs shall be had or found, either Selling or Using the same, shall for every Gadd or With so Cut, Used or Found, Forfeit the Sum of Two Pence to be immediately paid to the Informer, by the said Offender or Offenders after such Information made or given, and if the said Offender or Offenders shall Refuse immediately to Pay the same, that then, the next Justice of the Peace, or other Chief Magistrate within any Town or Corporation, is hereby Impowered and Required by his or their Warrant, to cause the same to be Levied of the Goods of the Offender or Offenders, rendring the Overplus to the Owner if any be, and if it shall happen that there is no Justice of the Peace or other Chief Magistrate, on or near the Place where such Gadd or Gadds, With or Withs, is or are Found or Seized, that then it shall and may be lawful to and for the Constable of the Parish, and he is hereby Required where the said Information shall be made, to Demand the Payment of the Penalty and Penalties hereby Imposed, for the using such Gadd or Gadds, With or Withs, and if the Person or Persons with whom such Gadd or Gadds, With or Withs shall be found, shall Refuse or Neglect to make such Payment as is aforesaid, that then, and in that Case such Person or Persons so Offending, shall be Carried before the next Justice of the Peace, who is hereby Impowered and Required to Levy Double the Sum hereby directed for such Offence, by Sale of the Goods of the Offender as before directed,

directed, and in Case no such Goods or Distress can be found of such Offender, then and in such Case, such Justice of the Peace shall and is hereby required by Warrant, under his Hand and Seal, to Direct and Require the Petty-Constable of the next Parish, wherein there is a Market-Town, to Whip such Offender through the Market of such Town, between the Hours of Ten and Twelve in the Day Time, until the Blood shall come.

X. Provided always, That nothing herein contained shall extend, or be construed in any manner to Affect or Charge in any wise whatever, any Person or Persons who in Obedience to the forementioned Acts, for planting and preserving Timber, Trees, has complyed with the several Directions in the said Acts required.

XI. Provided always, That no Person or Persons shall be Impeached, Molested or Prosecuted for any Offence beforementioned in this Act, unless the Offender or Offenders therein be Prosecuted within one Month after the Offence Committed, and that this Act be Read at every Assizes and Sessions. None to be Molested or Prosecuted but within a Month.

CHAP. VI.

An Act for taking away the Benefit of Clergy in certain Cases; and for taking away the Book in all Cases; and for repealing part of the Statute *for Transporting Felons.*

FORASMUCH as when any Person is Convicted for any Felony within the Benefit of Clergy, upon his Prayer to have the Benefit thereof allowed to him, it hath been Accustomed to Administer a Book to him to try whether he can Read as a Clerk, which by experience is found to be of no use.

II. Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the last Day of September, in this present Year One thousand seven hundred and ten, if any Person be Convicted of any such Felony for which he ought to have the Benefit of his Clergy, and shall Pray to have the Benefit of this Act, he shall not be required to Read, but without any Reading shall be allowed, taken and reputed to be and punished as a Clerk Convict, which shall be as effectual to all intents and purposes, and be as advantageous to him as if he had Read as a Clerk, any other Law or Statute to the contrary notwithstanding. If any Person Convict shall pray to have benefit of Clergy, &c.

III. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall after the said last Day of September, unlawfully have Carnal knowledge of any Female Child under the Age of Twelve Years, though with her consent, every such Fact shall be deemed and taken Carnal knowledge of a Child under Twelve Years Old to be Felony without benefit of Clergy.

taken to be Felony, and the Offenders therein being duly Convicted, shall suffer as a Felon without having the Benefit of the Clergy, or of this Act.

Goods taken out of Booths in any Fair or Market to the value of Five Shillings, or Cows, Oxen, &c. to the value of one Shilling, &c.

IV. And be it further Enacted by the Authority aforesaid, That if any Person shall after the said last Day of September, Steal or Feloniously take away any Goods of the value of Five Shillings or more, out of any Dwelling House or Shop, or out of any Stable or Coach-House, or Booth in any Fair or Market, or Privily and Secretly from the Person of any Man or Woman; or shall Feloniously Steal any Cow or Cows, Bull or Bulls, Ox or Oxen, or any Steer or Steers, Heifer or Heifers, Calf or Calves, or any Sheep or Lambs, above the value of One Shilling, and being indicted or appealed thereof, shall be thereupon found Guilty by Verdict of Twelve Men, or shall Confess the same on his, her or their Arraignment, or will not Answer directly according to the Laws of this Kingdom, or shall wilfully or of malice stand Mute, or shall peremptorily Challenge above the Number of Twenty Jurors, or shall be Out-lawed on the same Indictment; and also all and every Person and Persons, who shall be Accessary before or after to any of the aforesaid respective Facts, they and every the aforesaid respective Criminals shall Receive Judgment, and Suffer the Pains of Death, without any Allowance or Benefit of the Clergy or of this Act, any Law, Custom or Usage, to the contrary notwithstanding.

Convict of not Stealing above two Cows, Oxen, &c. or not exceeding ten of Calves, &c.

V. Provided always, And be it further Enacted by the Authority aforesaid, That where any Person or Persons, after the said last Day of September in this present Year of our Lord One thousand seven hundred and ten, shall be Lawfully Convicted of the Stealing of Cows, Bulls, Oxen, Steers or Heifers, not exceeding the Number of two, or of the Stealing of Calves, Sheep or Lambs, not exceeding the Number of ten, on all the Indictments that shall be preferred against such Person or Persons, at one and the same Assizes or Sessions of Oyer and Terminer, or Goal Delivery, or in the same Term in Her Majesty's Court of Queen's-Bench, that in case the Justice or Justices before whom such Person or Persons shall be Convict, shall upon the Application of the Grand-Jury of the County, at the said Term, Assizes or Sessions by Presentment in Writing for that purpose, think him or them fit Objects of Mercy, that then and in such Case, he, she or they, that shall be so Convict, shall be Burned in the Hand only, and after such Burning in the Hand, such Person and Persons shall be forthwith Enlarged and Delivered out of Prison, unless such Justice or Justices shall for further Correction think it convenient to detain him, her or them in Prison for some longer time, which such Justice or Justices, by Rule of Court or Warrant under his or their Hands, are hereby Impowered to do not exceeding one Year's Imprisonment, any Law, Usage or Custom, to the contrary notwithstanding.

Clerk of the Crown to give a Certificate of a Person formerly Convict.

VI. And forasmuch as such Men who have once had the Benefit of Clergy, and such Women as once had the Benefit of the Statute made in the Ninth Year of the Reign of King William, Intituled, An Act for taking away the benefit of Clergy in some Cases; may happen to be Indicted

dicted for an Offence committed afterwards. Be it Enacted by the Authority aforesaid, That the Clerk of the Crown, or Clerks of the Peace, or their Deputies then Officiating, where such Men or Women have been or shall be Convicted, shall at the Prayer of any Person on Her Majesty's Behalf, certifie a Transcript, briefly containing the Effect of any Indictment and Conviction of such Men or Women, and of their having had the Benefit of Clergy, or of the said former Statute, or of this Statute; and also, shall certifie the Addition of every such Person and Persons, and the Certainty of the Felony and Conviction to the Justice or Justices of such County where such Man or Woman shall be Indicted, which Certificate being produced in Court, shall be a sufficient proof, that such Persons were formerly Convicted of the Offences therein mentioned, and that they have already had the Benefit of Clergy, or of this or the said former Statute in the same manner as if the Record were produced.

None to have the benefit of this Act save once.

VII. Provided always, And be it further Enacted by the Authority aforesaid, That no Person whatsoever who hath had the Benefit of Clergy allowed him, shall have the benefit of this Act for any Felony whatsoever by him committed, since his having had the Benefit of Clergy as aforesaid, and that no Person whatsoever, shall be Allowed or Intitled to the benefit of this Act more than once, but shall for any Felony by him committed after being allowed the benefit thereof, be utterly Debarred from having the benefit of the same again.

No Woman that had the benefit of the Act of the 9th of K. *W.* 3d. *Cap.* 32.

VIII. And be it further Enacted by the Authority aforesaid, That no Woman who hath heretofore been, or hereafter shall be Convict of Felony, or who hath had, or hereafter shall have the benefit of the said Act made in the Ninth Year of the Reign of King William, Intituled, An Act for taking away the Benefit of Clergy in some Cases; shall be Intitled to Demand or Receive the benefit of the said last mentioned Act again, but shall Suffer such Pains and Penalties, as she would have been liable unto if the said Act had not been made.

IX. And whereas one Act of Parliament made in the Second Year of the Reign of our Sovereign Lady Queen ANNE, (whom God Long Preserve) Intituled, An Act for the Reviving An Act for taking away the Benefit of Clergy in some Cases, and for Transporting Felons; has been found by Experience to be inconvenient, and in some Cases impracticable.

X. Therefore be it Enacted by the Authority aforesaid, That the said last mentioned Act, and all and every Clause, Article and Sentence therein contained be repealed, except the Clause and Clauses relating to the Transportation of Persons Convicted for Concealing, Succouring, Abetting or Harbouring any Tory, Robber or Rapparee, who is presented as such and proclaimed.

Witnesses for the prisoner to take an Oath.

XI. And be it further Enacted by the Authority aforesaid, That from and after the said last Day of September, in this present Year One thousand seven hundred and ten, all and every Person and Persons, who shall be produced or appear as a Witness on the behalf of the Prisoner upon any Tryal for Murder or Felony, before he or she be admitted to give any manner of Evidence, shall first take

an Oath to Depoſe the Truth, the whole Truth, and nothing but the Truth in ſuch manner as the Witneſſes for the Queen are by Law obliged to do; and if any Witneſs be Convicted of wilful Perjury in ſuch Evidence, he ſhall Suffer all the Puniſhments, Penalties, Forfeitures and Diſabilities, which by any of the Laws and Statutes of this Realm, are or may be inflicted on Perſons Convicted of wilful Perjury.

CHAP. VII.

An Act for Amending and Making perpetual an Act, Intituled, *An Act to Prohibit Butchers from being Graziers, and to Redreſs ſeveral Abuſes in Buying and Selling of Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides.*

WHEREAS in the Firſt Seſſion of this preſent Parliament begun and held at Dublin, the One and Twentieth Day of September Anno Domini, One thouſand ſeven hundred and three, in the Second Year of the Reign of our Moſt Gracious Sovereign Lady Queen ANNE, an Act was made, Intituled, An Act to Prohibit Butchers from being Graziers, and to Redreſs ſeveral Abuſes in Buying and Selling Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides; which Act by Experience hath been found to be in the moſt parts of it a good and profitable Law in this Kingdom, and is fit to be Continued and made Perpetual, but by the ſaid Act there is no Proviſion made to Prevent Butchers and other Perſons Imployed by them, who Slaughter Cattel for Exportation, from Cutting away the Cods and Shifts from ſuch Cattel, being much Practiſed by them at ſuch time when the Tallow is at a higher Rate than the Beef, which evil Practice greatly defaces the Beef, debaſes the Tallow, and brings a great Diſreputation upon thoſe Commodities in Foreign Markets, For Remedy whereof,

II. Be it Enacted by the Queen's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That every Butcher or other Perſon Imployed by them, who ſhall Kill or Slaughter any Cattel to be Salted, Packed or Barelled, for and by Way of Merchandize to be Tranſported beyond the Seas, ſhall leave the Cods and Shifts with ſuch Cattel, and not Cut the ſame away; and that if any Butcher or other Perſon Imployed by them to Kill or Slaughter any Cattel as aforeſaid, ſhall at any Time from and after the Tenth Day of September, One thouſand ſeven hundred and ten, Offend by Cutting away the Cods and Shifts from any ſuch Cattel, he or they ſo Offending, and being Convict upon Oath of the ſaid Offence, before one or more of Her Majeſty's Juſtices of the Peace, or Chief Magiſtrate of any Corporation, by one or more Witneſſes, which Oath the ſaid Juſtice or Juſtices or Chief Magiſtrate

In Slaughtering to leave the Cods and Shifts.

trate, are hereby Impowered and are Required to Administer, or upon Confession of the Offender or Offenders before such Justice or Justices or Chief Magistrate, the said Party or Parties so Offending, shall Forfeit for every such Offence, the Sum of Twenty Shillings Sterling, to be levied by Distress and Sale of the Offenders Goods and Chattels, the Overplus to be Restored after all Charges of the said Distress Defrayed, the One Moiety thereof to be to the Party Informing, and the other Moiety to the Use of the Poor of the Parish where such Offence shall be committed, and every Constable of the Parish, or Chief Constable of the Barony where such Offence shall be Committed, are hereby Authorized and Required to levy the same accordingly by Warrant, under the Hand and Seal of such Justice or Justices, or Chief Magistrate; and in Case such Offender or Offenders shall not have Goods and Chattels sufficient for the Levying of the said Penalty, that then, it shall and may be Lawful for the Justice or Justices or Chief Magistrate, before whom such Conviction shall be made, by Warrant under his or their Hand and Seal, to Appoint such Offender or Offenders to be publickly Whipt through such Corporation or next Market-Town, on the next Market-Day immediately following.

III. **And be it further Enacted by the Authority aforesaid, That the said** Act to prohibit Butchers from being Graziers, and to redress several Abuses in Buying and Selling of Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides; **and all Clauses, Provisions and Articles therein Contained, shall Continue and Endure in Force for ever.**

The Act to prohibit Butchers, &c. in the 2d. of Q. *Anne* made perpetual.

CHAP. VIII.

An Act for the better Securing of Rents, and to prevent Frauds committed by Tennants.

FOR the more ease and effectual Recovery of Rents reserved on Leases for Life or Lives, Term of Years at Will, or otherwise.

II. Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Ninth Day of September, in the Year of our Lord God, One thousand seven hundred and ten, no Goods or Chattels whatsoever, lying or being in or upon any Messuage, Lands or Tenements, which are or shall be Leased for Life or Lives, Term of Years at will or otherwise, shall be liable to be Taken by Virtue of any Execution or Foreign Attachment, Justicies or Distringas, on any Pretence whatsoever, unless the Party at whose Suit the said Execution or Foreign Attachment, Justicies or Distringas, Issued out before the Removal of such Goods from off the said Premisses, by Virtue of such Foreign Attachment, Execution or Extent, Justicies or Distringas, pays to the Landlord of the said Premisses or his Baylift, all such Sum and Sums of Money as are or shall be due for

No Goods to be taken from off the Premisses on any pretence till a Years Rent be paid if due.

Rent for the said Premisses, at the Time of the taking such Goods or Chattels by such Virtue of such Foreign Attachment, Execution, Extent, Justicies or Distringas, provided the said Arrears of Rent do not Amount to more than one Years Rent; and in Case the said Arrears shall exceed one Years Rent; then the said Party at whose Suit such Execution or Foreign Attachment, Justicies or Distringas is Sued out, paying the said Landlord or his Bayliff one Years Rent, may proceed to Execute his Judgment or Foreign Attachment, Justicies or Distringas, as he might have done before the making of this Act; and the Sheriff or other Officer is hereby Impowered and Required to Levy and Pay to the Plaintiffs the Moneys so paid for Rent.

Affidavit made by the Landlord, &c.

III. Provided always, That such Landlord or his Agent, do Make and Produce an Affidavit in Writing (if thereto Required) by the Plaintiff in such Action or Execution, or his Agent, that such Arrear of Rent is really and bona fide due to such Landlord or Lessor, which Oath the Sheriff or Sub-Sheriff, or any Justice of Peace or other Magistrate, are hereby Impowered to Administer.

In case of Clandestine conveying.

IV. And be it further Enacted by the Authority aforesaid, That in Case any Lessee for Life or Lives, Term of Years at Will or otherwise, or their Assignees of any Messuage, Lands or Tenements, upon the Demise whereof, any Rents are or shall be Reserved or made payable, shall from and after the said Twenty Ninth Day of September, Fraudulently or Clandestinely convey or carry off, or from such Demised Premisses, his Goods or Chattels, with intent to prevent the Landlord or Lessor, from Distraining the same for Arrears of such Rent so reserved as aforesaid, it shall and may be Lawful to and for such Lessor or Landlord, or any Person or Persons by him for that Purpose lawfully Impowered, within the Space of Five Days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to Take and Seize such Goods and Chattels wherever the same shall be found, as a Distress for the said Arrear of such Rent, and the same to Sell or otherwise Dispose of in such Manner, as if the said Goods and Chattels had been actually Distrained by such Lessor or Landlord in and upon such Demised Premisses for such Arrear of Rent; any Law, Custom or Usage to the contrary in any wise notwithstanding.

No Seizure save on the demised premises.

V. Provided nevertheless, That nothing in this Act contained, shall extend or be construed to extend to Impower such Lessor or Landlord, to Take or Seize any Goods or Chattels in any Place but on the Demised Premisses as a Distress for Arrears of Rent, which shall be Sold bona fide, and for a Valuable Consideration before such Seizure made; any thing herein contained to the contrary notwithstanding.

VI. And whereas no Action of Debt lies against a Lessee for Life or Lives, his or their Assignee or Assignees for any Arrears of Rent, during the Continuance of such Life or Lives.

To bring an Action of Debt, &c.

VII. Be it further Enacted by the Authority aforesaid, That from and after the said Twenty Ninth Day of September, it shall and may be Lawful for any Person or Persons having any Rent in Arrear, or due upon any Lease or Demise for Life or Lives, to bring an Action or Actions of

Debt

Debt for such Arrears of Rent, in the same Manner as they might have done in Case such Rent were due and reserved upon a Lease for Years.

VIII. And be it further Enacted and Declared by the Authority aforesaid, That all Distresses hereby Impowered to be made, shall be liable to such Sales and in such Manner, and the Money arising by such Sales, to be Distributed in like Manner as Distresses for Rent. Distresses to be liable to Sales.

IX. Whereas also, Leases for Life or Lives, or for Years or at Will, frequently hold over the said Lands and Tenements, Demised after the Determination of such Leases; And whereas after the Determination of such Leases or any other Leases, no Distress can by Law be made for any Arrears of Rent that grew Due on such respective Leases, before the Determination thereof.

X. Be it hereby further Enacted, That from and after the Twenty Ninth Day of September, One thousand seven hundred and ten, it shall and may be Lawful for any Person or Persons having any Rent in Arrear, or due upon any Lease for Life or Lives, or for Years, or at Will, Ended or Determined to Distrain for such Arrears, after the Determination of the said respective Leases, in the same Manner as they might have done if such Lease or Leases had not been Ended or Determined; Provided that such Distress be made within the Space of Six Calendar Months after the Determination of such Lease, and during the Continuance of such Landlords Title or Interest, and during the Possession of the Tennant or those Claiming under him, from whom such Arrears became due. Lawful to distrain after the Expiration of a Leale, &c.

XI. Provided always, and be it hereby Enacted and Declared, That nothing in this Act contained, shall Extend or be Construed to Extend, to Let, Hinder or Prejudice her Majesty, Her Heirs or Successors, in the Levying, Recovering or Seizing any Debts, Fines, Penalties or Forfeitures, that are or shall be due, Payable or Answerable to Her Majesty, Her Heirs or Successors, but that it shall and may be Lawful for Her Majesty, Her Heirs and Successors, to Levy, Recover and Seize such Debts, Fines, Penalties and Forfeitures, in the same Manner as if this Act had never been made; any thing in this Act contained to the Contrary thereof in any wise notwithstanding. Nothing herein to hinder Her Majesty, Her Heirs, &c.

CHAP. IX.

An Act for the Amending of the High-Ways and Roads in this Kingdom, and for the Application of the Six Days Labour.

WHEREAS by an Act of Parliament made in this Kingdom in the Eleventh Year of the Reign of Our Sovereign Lord King James the First, It is Enacted, That every Person or Persons for every Plow-Land in Tillage or Pasture, that he shall Occupy in the same Parish, and all and every other Person or Persons keeping therein What every person is to send.

a Draught or Plow, shall Find and Send at every Day and Place to be Appointed for the Amendment of the High-Ways in that Parish, one Wain or Cart Furnished after the Custom of the Country, with Oxen, Horses, or other Cattel, and all other necessaries meet to Carry Things convenient for that Purpose, and also Two able Men with the same, upon Pain of every Draught making Default, as in the said Act is Expressed.

II. And whereas it is further Enacted, That all and every Person or Persons, that shall Occupy a Plow-Land in Tillage or Pasture lying and being in several Parishes, shall be Chargeable with the making of the High-Ways, and Reshes, and Cutting, and Clearing of Places within the Parishes where he Dwelleth, as far forth and in such Manner and Form, as any Person having a Plow-Land in any Parish, ought to be Chargeable by the said Act.

III. And forasmuch as the Word Plow-Land in the said Act, is a Name whereby Lands are known and distinguished in some particular Parts and Places in this Kingdom, and not one common Name whereby Lands are known or distinguished in every County of this Kingdom; by which Means several Persons Inhabiting in Counties where the Lands are known by another Name, do Refuse to Work according to the Directions of the said Act, pretending they have no Lands in the said Parish, known or called by the Name of Plow-Lands, which occasions many of the High-Ways and Reshes in this Kingdom to Remain out of Repair.

How the word Plow-Land shall be construed, &c.

IV. For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That it shall and may be Lawful to and for the Grand-Juries of the several Counties in this Kingdom at some General Assizes, which shall be held within any of the said Counties in this Kingdom, within the Space of Three Years after the Thirtieth Day of September, in the Year One thousand seven hundred and ten, to Direct, Explain and Ascertain, how the Word Plow-Land in the said Act shall be Construed and Understood within the said County, or any Barony or Parish within such County, for and towards the better Execution of the said Act, and shall also to the then Judge or Judges of Assize, by Presentment before such Judge or Judges, to be Made, Find and Present, that within such County where such Presentment shall be made a Plow-Land in the said Act mentioned, shall be Received, Understood and Construed to Consist of, and Contain such Tracts and Quantities of Ground, as are Distinguished and Known by such other Name as is peculiar and proper to the Denomination of Lands in the said County; and where such peculiar Name and Denomination in such County doth contain a greater Tract of Ground and more Number of Acres, than Plow-Lands do contain in those Counties where the Lands are particularly known by the Name of Plow-Lands in such Counties, the Grand-Jury shall Present and Find what Number of Acres in the said County, shall be Taken for, and Construed to Consist of, and be a Plow-Land within the Meaning and Intent of the said Act, having due Consi-

deration

deration of the Quality of the ſaid Lands, and after ſuch Preſentment is made and thrice read in open Court the ſame Aſſizes, the next Judge or Judges of the next or other Aſſizes, after the Aſſizes wherein the ſaid Preſentment ſhall be made, ſhall cauſe the ſaid Preſentment to be read in open Court immediately after Impannelling the Grand-Jury; and if no reaſonable Objection be made againſt the ſaid Preſentment, the ſaid Judge or Judges of the ſaid Aſſizes, are hereby Required to Confirm the ſame, and after ſuch Confirmation, the Perſon or Perſons Occupying ſuch Lands as ſhall be ſo Diſtinguiſhed by ſuch Preſentment; and in ſuch manner as aforeſaid Confirmed in Tillage or Paſture, ſhall be Charged and Chargeable with the making the High-Ways and Reſhes within the reſpective Pariſhes, in ſuch Manner, and under ſuch Penalties, as Perſons Occupying Plow-Lands in their reſpective Pariſhes, are Charged or Chargeable by the ſaid Act.

V. And whereas in ſeveral Places the Pariſhes are ſmall, and the Ways and Reſhes too much out of Repair, that the Inhabitants of ſuch Pariſhes by the Labour of Six Days, cannot Repair or Make the ſaid High-Ways and Reſhes in One Year, but often-times that Part of the ſaid Ways that are made in Summer-time is Spoiled the next Winter, by reaſon the ſame was not Finiſhed in one Seaſon.

VI. Be it Enacted by the Authority aforeſaid, That the Major Part of the Pariſhioners, who ſhall Meet in Eaſter-Week Yearly according to the Direction of the ſaid Statute, may Agree to divide the whole Way or Reſhes ſo to be made, and to Allot and Apportion ſo much of the ſaid High-Way to be made, as can be Finiſhed by the Six Days Work in that Year, and ſo to continue Yearly till the whole High-Way is Repaired; and further, that they may Agree among themſelves to divide ſuch Proportion as ſhall be ſo Allotted, and Set out for each Year, according to the Proportion of Land in the Occupation of each Perſon, Occupying any Lands in the ſaid Pariſh in Tillage or Paſture, and ſuch Agreement ſo made being reduced into Writing, and Signed by the Major Part of the Pariſhioners then preſent, ſhall be Binding and Concluſive on every Perſon and Perſons Occupying any Land in the ſaid Pariſh as aforeſaid, and every Perſon or Perſons, Neglecting or Refuſing to Repair the Proportion ſo Allotted by ſuch Agreement, to be Repaired by him or them, ſhall be liable to ſuch Penalties as in the ſaid Act is Expreſſed and Impoſed, on any Perſon or Perſons who ſhall Refuſe or Neglect to Work Six Days, which by the ſaid Act is Appointed for the Amendment or Making of the High-Ways and Reſhes, to be levied in ſuch Manner and by ſuch Perſons, as by the ſaid Act or any other Act is Directed and Appointed.

The meeting at *Eaſter*, and what to be done.

VII. And whereas by the Law, no Perſon is obliged to Work out of the Pariſh wherein he Dwells on the High-ways, although in many Caſes there is no Work neceſſary for the repair of High-ways in ſeveral Pariſhes, and that the Pariſhes having no ſuch Charge lying on them, do reap Advantage by the Amendment of High-ways in the adjacent Pariſhes.

Where there is no High-Ways through the Pariſh, what to be done.

VIII. Be it further Enacted by the Authority aforesaid, That when any Parish has not any such High-way through the same, the Inhabitants of such Parish shall be liable to Work in the next adjacent Parish or Parishes, wherein there shall be any considerable High-way leading to any City or Market, according to such proportion as shall from time to time be ordered by the Presentment of the Grand-Jury at the Assizes or Sessions, and Confirmed by the Judges or Justices of the Peace at the Assizes or Sessions, so as such Work shall not exceed the Six Days Labour.

No to go above two Miles out of his Parish Concerning Tools to be used.

IX. Provided always, That no such Person shall be obliged to go above two Miles beyond the Confines or Limits of the Parish wherein he shall Dwell, to Work at any High-way or Road.

X. And to the Intent the Work to be done in High-ways may more effectually be performed, Be it further Enacted by the Authority aforesaid, That in such Parishes where the common Labourers are found not to have fitting Tools for the Work required, (to wit) Iron Crows or Bars, or other Tools, necessary to be Imployed in the Repair of the High-ways, the Justices of Peace in open Session or in Failure thereof, the two next Justices of the Peace, shall and may from time to time Assess and Raise a Sum not exceeding Forty Shillings, upon the Inhabitants of such Parish or Parishes respectively, in such proportion or proportions, as to such Justice or Justices shall seem proper for the Buying such Tools, which shall be kept by the Surveyor of the High-ways, and delivered over from time to time to such Person as shall succeed such Surveyor, to be kept for the Use of the said Parish, and not made Use of in any other Work whatever, the said Sum or Sums of Money in Default of payment thereof, to be respectively Levied by Warrant, under the Hands and Seals of such Justice or Justices, by Distress and Sale of the Goods of such Inhabitant or Inhabitants, who shall make Default in Payment of his or their proportion thereof, returning the Overplus to the Owner of such Goods.

XI. And whereas the time appointed for Making and Repairing of such High-ways is by the first recited Act to be, and continue for no longer space than from Easter until the Feast of St. John the Baptist in each Year.

Time prolonged for mending the Roads.

XII. Be it further Enacted by the Authority aforesaid, That from henceforward the said Time may be prolonged and enlarged until the First of August following.

XIII. And forasmuch as the High-ways and Reshes when they are Amended, will soon be out of Repair and rendered difficult to be passed, in Case the Ditches which bound such Roads are not Cleansed and Kept free for the Passage of the Water, and proper Passages are not made through the Banks of such Ditches as lye on that side of the Road, where the Lands adjoyning have a Descent to take off the Water.

The Occupiers of Lands to cleanse their Ditches, &c.

XIV. For Remedy whereof, Be it further Enacted by the Authority aforesaid, That the Occupiers of all such Lands which are bounded by such High-ways and Reshes, shall at their own Charge and Labour, keep the said Ditches Cleansed and open for Water to pass; and also the

the Paſſages out of ſuch Ditch, through the Banks thereof to the Adjacent Lands where there is or can be made ſuch Paſſage for the ſaid Water; and as often as there ſhall be any Stoppage in ſuch Ditches or Paſſages, to open the ſame from time to time as there ſhall be occaſion; and if any ſuch Occupier of Lands where ſuch Stoppage is refuſe or neglect ſo to do, within two Days after Notice given by the Overſeers of that Road, the ſaid Overſeers ſhall Set one or more Labourers to Work in Cleanſing the ſaid Ditches and Paſſages; and in Caſe ſuch Occupier ſo neglecting ſhall refuſe to pay the ſaid Labourer, it ſhall be Lawful for the next Juſtice of the Peace, and he is hereby required to Grant his Warrant to any Conſtable, to Diſtrain ſo much of the Goods and Chattles of the ſaid Offender as will pay the ſaid Labourers, and to Diſpoſe of the ſame, returning the Overplus to the Owner of ſuch Goods.

Boggs made at the Expence of the Publick.

XV. Provided always, That nothing herein contained ſhall extend to oblige the Occupiers of any Bogg, through which, Ditches or Toghers have been made at the Expence of the Publick, to Scower or Cleanſe ſuch Ditches.

XVI. And where publick High Roads are ſo Many and Bad, that they cannot be Amended in any reaſonable time by the Six Days Labour appointed by Act of Parliament, whereby Grand-Juries at the General Aſſizes or Quarter-Seſſions of each County, are neceſſitated to raiſe Money for Making and Repairing the ſame, on the ſeveral Counties in which ſuch High Roads do lie.

In caſe of Preſentments.

XVII. Be it further Enacted by the Authority aforeſaid, That in all ſuch Caſes where any Preſentment ſhall be made for Raiſing Money for making or repairing High-Ways that the ſaid Grand-Juries in ſuch their Preſentments, ſhall take care to expreſs the place where ſuch Reparations are to begin, and to what places to be continued, together with the Number of Perches, Plantation Meaſure, ſuch High-way to be made or repaired do contain; as alſo, what ſhall be the Breadth of the Cauſe-Ways, Pavement, or other Reparations to be made in the ſaid High-way, no ſuch Cauſe-Way, Pavement, or other Reparation to be leſs than Nine Foot wide; and likewiſe to expreſs whether the ſame is to be Gravelled, Paved with Stones, or Raiſed by Ditches on each ſide after the uſual manner of Toghers, to be well Gravelled or Paved on the Top according to the Breadth aforeſaid at leaſt, which ſaid Grand-Juries, ſhall likewiſe preſent at the ſame time, what ſhall be allowed for the making and perfecting of each Perch, in the manner as by them ſhall be preſented as aforeſaid, to the end it may appear, That no more Money was Applotted than what went to the making and repairing of the ſaid High-ways, which Money, the Overſeers of ſuch High-ways to be appointed, ſhall from time to time take care to pay over to the reſpective Workmen and Labourers, which ſhall be Imployed in and about the ſame; and at the next ſucceeding General Aſſizes or Quarter-Seſſions, give an Account upon Oath to the Grand Jury of the Money expended on the ſaid High-ways, with the Names of the Perſons, he or they paid the ſame unto, which Account being reduced into Writing, and allowed of by the Grand-Jury, ſhall be lodg-

ed with and kept by the Clerk of the Peace of each County, and in default of making such Account, such Overseer or Overseers, being presented at such General Assizes or Quarter Sessions by the Grand-Jury for the same, shall be Committed without Bail or Main-prize, until they shall make the said Account.

XVIII. Provided always, That nothing herein contained shall extend or be Construed to extend to alter the Restriction or Method prescribed, for raising Money by Grand-Juries at Assizes and Sessions, by the Acts of Parliament now to that purpose in Force.

CHAP. X.

An Act for the Relief of Insolvent Debtors now in Confinement.

CHAP. XI.

An Act to prevent the Maiming of Cattle.

WHEREAS by an Act of Parliament Made in this Kingdom, in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, An Act for the better Suppressing Tories, Robbers and Rapparees, and for preventing Burglaries and other Heinous Crimes; It is among other things Enacted, That in all Cases where the Damages do not Exceed Ten Pounds Sterling, the Inhabitants of the Barony and Franchises within the Precincts thereof, where such Facts are Committed, and not the Inhabitants of the County at large shall make Satisfaction and Amends, in such Manner and with such Distinction as in the said Act is Expressed; and where the Damages do exceed the Sum of Ten Pounds Sterling, the Inhabitants of the County at large shall make Satisfaction in such Manner and with such Distinction as aforesaid.

II. And whereas the Baronies of Muckillin and Ballinahinch, and the half Barony of Ros in the County of Gallway, part of a Territory, commonly Called, the Territory of Erreconnought, are for the most part Inhabited by People of a Barbarous Disposition, and not Amenable to the Laws, who have Confederated to Destroy the Cattle of all such Persons, who shall Possess and Hold in Farm any Lands in the said Baronies, who are not Ancient Inhabitants and Natives thereof; and in pursuance of the said Confederacy, have within a short time lately Destroyed by Maiming, Houghing, and Driving down Precipices, great Numbers of Cattle belonging to Persons who Inhabit other parts of the said County, who were Possest of Land and Stock, within the said Baronies, or some one or more of them, the making Amends and Satisfaction for such Cattle so Destroyed according to the said Act, hath been very Grievous and Chargeable to the Inhabitants of the said County at

at large, and may probably be a greater Burthen for the Time to come, unless some effectual Remedy be provided against the said evil Practices.

III. For Remedy thereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Ninth Day of September, One thousand seven hundred and ten, where any Cattle shall be Maimed, Houghed, or otherwise Destroyed, within any of the said Baronies or Franchises, or the Precincts thereof; the Inhabitants of such Barony and Franchise, or the Precincts thereof, shall make Amends and Satisfaction for the same, and not the Inhabitants of the County at large, though the Value of the said Cattle so Maimed, Houghed or Destroyed shall exceed the Value of Ten Pounds, in such Manner and with such Distinction and Directions, as in the said Act made in the Seventh Year of the Reign of His said late Majesty King William, and in one other Act made in the same Sessions, Intituled, An Act to Supply the Defects, and for the better Execution of an Act past this present Session of Parliament, Intituled, An Act for the better Suppressing Tories and Rapparees, and for Preventing Robberies, Burglaries, and other heinous Crimes; is Mentioned and Exprest; any Thing in the said Acts or either of them, to the contrary notwithstanding. Any Cattle Houghed or Maimed, the Barony or Precinct how to be made good.

IV. And for the better Prevention of Maiming and Destroying of Cattle, Be it Enacted by the Authority aforesaid, That if any Person or Persons in this Kingdom, after the Twenty Ninth Day of September, One thousand seven hundred and ten, shall Maliciously, Unlawfully, and Willingly Maim, Kill or Destroy any Horses, Sheep, Cows, or other Cattle, of any Person or Persons whatsoever, every such Offence shall be Adjudged Felony, and the Offenders, and every of them shall Suffer as in Cases of Felony: Provided nothing herein contained shall extend to the Gelding Stone-Horses going at large. Maiming Cattle, &c. Felony.

CHAP. XII.

An Act for Uniting several Parishes, and Building several Parish-Churches in more convenient Places.

WHEREAS the Parish-Church of Kilkeevin, Situate in the Town of Castlereagh, is convenient to the Inhabitants of the Parish of Kilkeevin, Baslick and Ballintober in the Diocels of Elphin; and the said Parishes are fit to be United and Made one Parish.

II. Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That it shall and may be Lawful to and for the Bishop of the said Diocels, with the Approbation of the Arch-Bishop of the Province, and the Consent of the respective Patrons, Incumbents, and Major part of the Inhabitants of the said Parishes, to Unite the said Pa- Diocels of *Elphin*.

Union of *Kilkeevin, Baſlick* and *Ballintober.*

riſhes of Kilkeevin, Baſlick and Ballintober, and the Pariſh-Church now Built at Caſtlereagh in the Pariſh of Kilkeevin may be deemed the only Pariſh-Church of the United Pariſhes, the ſaid Pariſhes ſo United to be Called by the Name of the Pariſh of Kilkeevin, and the Inhabitants of the ſaid ſeveral Pariſhes to be from time to time Liable to, and Chargeable with the Repairs of the ſaid Church at Caſtlereagh.

III. And whereas the Pariſhes of Oran and Drumtemple in the ſaid Dioceſs of Elphin are fit to be United, and that the Antient Church of Oran within the ſaid Pariſh of Oran, is conveniently Situated for the Pariſhioners of the ſaid Pariſhes to Repair unto, were the ſame Rebuilt.

Dioceſs of *Elphin, Oran* and *Drumtemple.*

IV. Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Biſhop of the ſaid Dioceſs, with the Approbation of the Arch Biſhop of the Province, and the Conſent of the reſpective Patrons Incumbents, and the Major part of the Inhabitants of the ſaid Pariſhes, to Order the Church to be Rebuilt at Oran, in the ſaid Pariſh of Oran, and to Unite the ſaid Pariſhes of Oran and Drumtemple, and the ſaid Pariſhes ſo United, ſhall be Called by the Name of the Pariſh of Oran, and the Inhabitants of the ſaid United Pariſh, ſhall from time to time be Liable to, and Chargeable with Building and keeping in Repair the ſaid Church of Oran, which ſhall for ever be deemed and taken to be one Pariſh to all intents and purpoſes whatſoever, any Law or Statute to the contrary in any wiſe notwithſtanding.

Dioceſs of *Leighlin, Tullomagymagh, Ballynecarrigg Ballyrogne* and *Kellys-Town.*

V. And whereas the ſeveral Ancient Pariſh-Churches of Tullomagymagh, Ballynecarrig, Ballyrogne and Kellys-Town, in the Dioceſs of Leighlin and County of Catherlogh, have been for many Years paſt ruinous.

VI. And whereas of late Years near the Centre of the ſaid Pariſhes, (viz) at Stapleſtown in the ſaid Pariſh of Ballynecarrig, there hath been a decent Church Built at the Charge of the ſeveral Inhabitants of the ſaid Pariſhes, Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Biſhop of the ſaid Dioceſs, with the Approbation of the Arch-Biſhop of the Province, and the Conſent of the reſpective Patrons Incumbents, and Major part of the Inhabitants of the ſaid Pariſhes, to Unite the ſaid Pariſhes of Tullomagymagh, Ballynecarrigg, Ballycrogie and Kellys-Town in the Dioceſs aforeſaid; and that the ſaid ſeveral Pariſhes ſhall be, and are hereby for ever United and made One, by the Name of the Pariſh of Stapleſtown, whereof the ſaid new Erected and Conſecrated Church ſhall for ever be deemed and taken to be the Pariſh-Church of the ſaid ſeveral United Pariſhes; and ſuch Glebe or Glebes, and Lands, which now belong to ſuch reſpective Pariſhes, ſhall henceforward belong to the Pariſh of Stapleſtown, after the Death, Ceſſion or Promotion of the preſent Incumbent, ſaving and reſerving to the Dean and Chapter, and Prebendaries of the ſaid Dioceſs of Leighlin, and every of them, all their preſent Rights, Tythes and Intereſts, in and to the ſaid Pariſhes of Tullemagymagh and Ballynecarrigg; as alſo, the Right, Title and Intereſt of the Reverend Doctor Robert Elliot, in and to the ſaid Pariſh of Kellys-Town, during his Incumbency.

VII. And

VII. And whereas there are ſeveral Pariſh-Churches in the Dioceſs of Cloyne very inconveniently Situated, ſome in remote parts of Pariſhes and Unions, and others very diſtant from the Proteſtant Inhabitants thereof. Dioceſs of *Cloyne.*

VIII. Be it therefore Enacted by the Authority aforeſaid, That the Pariſh-Church of Church-Town in the ſaid Dioceſs, and in the Patronage of the Honourable Sir John Percival, Baronet, be removed to a more convenient Place, by the Conſent of the ſaid Patron the Incumbent, and the Biſhop of the ſaid Dioceſs for the time being, and with the Approbation of the Arch-Biſhop of the Province, and the Conſent of the Major part of the Inhabitants thereof.

IX. And whereas the ſeveral Pariſhes of Ballyoughtra, Mogely and Cahirulton in the Dioceſs of Cloyne, have been held United by Epiſcopal Union for ſeveral Years paſt, and are fit to be continued ſo United. Dioceſs of *Cloyne, Ballyoughtra, Mogely* and *Cahirulton.*

X. Be it therefore Enacted, That it ſhall and may be Lawful to and for the Biſhop of the ſaid Dioceſs, by and with the Approbation of the Arch-Biſhop of the Province, and the Conſent of the Patrons Incumbents, and the Major part of the Inhabitants of the ſaid Pariſhes, to Unite the ſaid ſeveral Pariſhes, and the ſaid Pariſhes ſo United, ſhall be Known and Called by the Name of the Pariſh of Caſtlemarter, and that it may be Lawful to and for the Biſhop and Incumbent for the time being, with the Approbation of the Arch-Biſhop of the Province, and of the Major part of the Inhabitants of the ſaid ſeveral Pariſhes, to Build and Erect a new Church at Caſtlemarter within the ſaid Pariſh of Ballyoughtra, which ſhall be deemed and taken for the Pariſh-Church of the ſaid United Pariſhes, to be Built and kept in Repair at the Expence of the Inhabitants of the ſaid ſeveral Pariſhes; and that it ſhall and may be Lawful to and for Henry Boyle, Eſquire, to give and convey a convenient piece of Ground for the Scite of the ſaid Church and Church-Yard, to be and remain thereunto for ever, the Statute concerning Lands given in Mortmain, or any other Law or Statute whatſoever to the contrary thereof in any wiſe notwithſtanding.

XI. And whereas the ſeveral Pariſhes of Iniſtar, Mathy, Garycloyne and Granagh in the Dioceſs of Cloyne, have been for ſome time United, but are of too large Extent, and the preſent Church of Inilcar at too great diſtance from many of the Pariſhioners. Dioceſs of *Cloyne, Iniſtar, Mathy, Garycloyne* and *Granagh.*

XII. And whereas the ſaid ſeveral Pariſhes are of ſufficient value to maintain two Incumbents, Be it therefore Enacted, That it may be Lawful to and for the Biſhop for the time being, with the Approbation of the Arch-Biſhop of the Province, and the Conſent of the Patrons Incumbents, and Major part of the Pariſhioners of the ſaid ſeveral Pariſhes, to divide the ſaid ſeveral Pariſhes into two diſtinct Pariſhes, and to Build and Erect another Church at the Expence of the Pariſhioners of the ſaid reſpective Pariſhes, on ſome old Foundation or other place convenient within the ſaid Pariſhes, which ſaid Church ſhall be Called by the Name of the Pariſh-Church of Garrycloyne, and that the ſaid Church of Inilcar, and the ſaid Church of Garrycloyne ſo to be Erected, ſhall after the Death or Removal of the preſent Incumbent, be deemed and taken to all intents and purpoſes whatſoever, to be

two distinct Parish-Churches, and to be kept in Repair by the respective Inhabitants of the said respective Parishes according to the said division; and that the Rights of the respective Patrons shall hereby be revived and preserved; any Law or Statute to the contrary thereof in any wise notwithstanding.

Dioceſs of *Cloyne, Aghada.*

XIII. And whereas the Parish-Church of Aghada, within the said Dioceſs of Cloyne, is conveniently Situated for the Inhabitants of the said Parish and the Parishes thereunto United; Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Dioceſs for the Time being, with the Approbation of the Arch-Bishop of the Province, and the Consent of the Patron Incumbent, and Major part of the Parishioners, to Build and Erect a new Church in some more convenient Place within the said Union, which said Church when Built and no other, shall be Called the Parish-Church of Aghada, and from the Time of its being so Built, the same shall be and be deemed the only Parish-Church of the said Parish of Aghada, and the Inhabitants and Parishioners of the said Union obliged to Repair the same as their said Parish-Church.

Dioceſs of *Waterford, Kilwatermoy.*

XIV. And whereas the Parish-Church of Kilwatermoy in the Dioceſs of Waterford, is inconveniently Situated for the Parishioners and Inhabitants of the said Parish; Be it Enacted by the Authority aforesaid, That it may be Lawful to and for the Bishop of the said Dioceſs for the Time being, with the Approbation of the Arch-Bishop of the Province, and the Consent of the Patron Incumbent, and the Major part of the Inhabitants of the said Parish, to Build and Erect a new Church in some convenient place within the said Parish, the Proprietor of the Soil where such Church shall be Built, first conveying a sufficient Quantity of Ground for such Church and Church-Yard to the Use of the said Parish, and that the new Church so to be Built, shall be, and be Deemed the Parish-Church of the said Parish, to be Built and Kept in Repair by the Inhabitants and Parishioners of the said Parish.

Dioceſs of *Kilmore, Carrowgallen.*

XV. And whereas the Parish-Church of Carrowgallen in the Dioceſs of Kilmore, is in a ruinous Condition, and inconveniently Situated Remote from the Inhabitants of the said Parish.

XVI. And whereas the Inhabitants of the said Parish of Carrowgallen and the present Incumbent, with the Consent of the Bishop, are Desirous that a new Church be Built in a more convenient Place within the said Parish.

XVII. Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop, with the Approbation of the Arch-Bishop of the Province, and the Consent of the Patron Incumbent, and the Major part of the Inhabitants of the said Parish of Carrowgallen, to Erect and Build a new Church at Mogh, lying and being within the said Parish, in the same Place where an Old Church is now standing, commonly called the Church of Mogh, and which is and hath been an Ancient Burial Place, at the Charges of the said Parish of Carrowgallen; and that such new Church when Built shall be Consecrated, and for ever Deemed and Reputed the only Parish-Church of Carrowgallen, to all Intents and Purposes whatsoever.

XVIII. And

XVIII. And whereas the Ancient Pariſh-Church of Drumgagh in the Dioceſs of Dromore, is very inconveniently Situated in an out Skirt of the ſaid Pariſh, very Remote from the Town of Rathfryland, where are the greateſt Number of the Inhabitants of the ſaid Pariſh. Dioceſs of *Dromore*, *Drumgagh*.

XIX. Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Rector and Incumbent, and Pariſhioners of the ſaid Pariſh for the Time being, by and with the Conſent and Approbation of the Arch-Biſhop of the Province, the Biſhop of the ſaid Dioceſs for the Time being, and Patron, to Build a new Church in ſuch convenient Place within the ſaid Pariſh as they ſhall think fit, the Land and Ground for ſuch new Church and Church-Yard, being firſt Granted and Conveyed by the Proprietor or Proprietors of the ſame, to the Uſe of the ſaid Pariſh, which ſaid Grant or Conveyance, the ſaid Proprietor or Proprietors are hereby Enabled to make, the Statute of Mortmain, or any other Law or Statute to the contrary thereof in any wiſe notwithſtanding; and the ſaid Church when Built and Conſecrated for ever to be and remain the only Pariſh-Church of the ſaid Pariſh of Drumgagh, to all Intents and Purpoſes whatſoever.

XX. And whereas the Ancient Pariſh-Church of Shankill in the Dioceſs of Dromore, is very inconveniently Situated, and not large enough for the Inhabitants of the ſaid Pariſh; Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Rector and Incumbent of the ſaid Pariſh for the Time being, by and with the Conſent and Approbation of the Arch-Biſhop of the Province, the Biſhop of the ſaid Dioceſs of Dromore for the Time being, and Patron, by and with the Conſent of the Major part of the Inhabitants of the ſaid Pariſh, with the Materials of the ſaid Ancient Church, and ſuch others as ſhall be further requiſite to Build a new and larger Church, in ſuch convenient Place within the ſaid Pariſh as they ſhall think fit, the Land and Ground for the new intended Church and Church-Yard, being firſt Granted and Conveyed by the Proprietor or Proprietors of the ſame, to the Church-Wardens of the ſaid Pariſh for the Time being, and to their Succeſſors for ever, for the Uſe of the ſaid Pariſh; which ſaid Grant or Conveyance, the ſaid Proprietor or Proprietors, are hereby enabled to make the Statute of Mortmain, or any other Law or Statute to the contrary thereof in any wiſe notwithſtanding; and the ſaid Church when Built and Conſecrated, ſhall for ever be and remain the only Pariſh-Church of the ſaid Pariſh of Shankill, to all Intents and Purpoſes whatſoever. Dioceſs of *Dromore*, *Shankill*.

XXI. And whereas the Walls of the Ruined Churches in the Pariſhes of Kilmore and Kilcomin, in the Dioceſs of Killalla, are inconveniently Situated, Remote from the Inhabitants of the ſaid Pariſh. Dioceſs of *Killalla*, *Kilmore* and *Kilcomin*.

XXII. And whereas the Inhabitants of the ſaid Pariſhes of Kilmore and Kilcomin, and the preſent Incumbent, with the Conſent of the Right Reverend Father in God William, Lord Biſhop of Killalla, are deſirous that a new Church be Built in a more convenient Place within the ſaid Pariſh; Be it Enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Inhabitants of the ſaid Pariſhes, by and with the Approbation of the Arch-Biſhop of

the Province, and with the Consent of the Bishop of the Diocese, to Erect and Build a new Church on the Lands of Drununclet and Town of Broad-haven in the Parish of Kilcomin, the Proprietor of the said Lands, first Conveying a sufficient Quantity of Ground for the said Church and a Church-Yard, to the Church-Wardens of the said Parish and their Successors, for the Use of the said Parish, which Conveyance shall be effectual, notwithstanding the Statute of Mortmain; and that such new Church when Built, together with the Church-Yard shall be Consecrated, and when so Consecrated, shall be Deemed and Reputed the Parish-Church of the Parishes of Kilmore and Kilcomin, to all Intents and Purposes whatsoever.

Diocese of Kilmore, Drumgoone.

XXIII. And whereas the Parish-Church of Drumgoone in the Diocese of Kilmore, has been of a long Time Ruinous and out of Repair, and is also inconveniently Situated, being Remote from the Inhabitants of the said Parish or some of them, have Built a Church or Chappel at Coote-hill within the said Parish, and Inclosed a Church-Yard thereunto contiguous, by and with the Consent of the Bishop of the Diocese.

XXIV. Be it Enacted by the Authority aforesaid, That the said Church or Chappel, and Church-Yard now Erected at Cootehill, be from henceforward Deemed and Taken as the Parish-Church and Church-Yard of Drumgoone Parish, and be as such, Repaired and Repairable by the Inhabitants of the said Parish from Time to Time, in like Manner as other Parish-Churches in this Kingdom are Repaired, and under the same Regulation; and also, it shall and may be Lawful to and for the Honourable Thomas Coote, Esquire, Second Justice of Her Majesty's Court of Queen's-Bench in Ireland, Proprietor of the said Land whereon the said Church or Chappel, and Church-Yard as aforesaid, Erected by any Instrument in Writing, under his Hand and Seal for that Purpose duly to be perfected, to Convey to the Church-Wardens of the said Parish, and their Successors for ever; the said Church or Chappel, and Church-Yard, who are hereby Enabled to Take and Receive such Grant, to the Use and Behoof of the said Church-Wardens and their Successors, for the Ends and Purposes aforesaid, notwithstanding the Statute of Mortmain,

Diocese of Tuam, Kiltullagh, Knockamagh, Becan, Aghamore, Templetogher.

XXV. And whereas the Parishes of Kiltullagh, Knockamagh, Becan, Aghamore and Templetogher, in the Diocese of Tuam, have been long held together by one Incumbent, and are fit to be really United; and whereas all the Churches in the said several Parishes are Ruinous and inconveniently Situated; and whereas the Incumbent of the said several Parishes, together with the Parishioners Inhabiting therein, have by Act of Vestry, represented and desired, that a new Church may be Built in the Market-Town of Ballinlogh in the said Parish of Kiltullagh, for the greater Conveniency of the Parishioners of the said several Parishes, and his Grace the Lord Arch-Bishop of Tuam, has Approved thereof,

XXVI. And whereas Joseph Mitchell, Esquire, has upon such Request and Approbation already Provided Materials towards the Building of the said Church, and has Promised to Endow the same with Twenty Acres near the same for a Glebe, and one Acre for a Mansion-House to be Built there-

thereon for the Incumbent and his Succeſſors, beſides one other Acre for the Church-Yard.

XXVII. Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Arch-Biſhop of the ſaid Dioceſs, by and with the Conſent of the Patron, Incumbent, and the Major part of the Inhabitants of the ſaid Pariſh, to Unite the ſaid Pariſhes; and the ſaid Pariſhes ſo United, to be and continue one Pariſh, to be Called and Known by the Name of the Pariſh of Kiltullagh for ever, and ſuch Church when Finiſhed, Endowed and Conſecrated, ſhall be and be Deemed the only Pariſh-Church of the ſaid United Pariſhes; and the ſaid Arch-Biſhop or his Succeſſors, is hereby Enabled to Receive a Conveyance for the Uſe of the Incumbent and his Succeſſors for ever, from the ſaid Joſeph Mitchell, of the ſaid Lands, notwithſtanding any Statute of Mortmain, ſaving always to the Queen and the Arch-Biſhop of Tuam, ſuch Right as they had before the ſaid Union.

XXVIII. And whereas the three Pariſhes of Killmichaloge, Killmechue and Killkavan in the Dioceſs of Ferns, are Part and Parcel of the Corps of the Deanry of Ferns, and do lie contiguous, and are fit to be perpetually United; and whereas all the Old Churches of the ſaid Pariſhes are utterly Ruined and inconveniently Situated for the Inhabitants of the ſaid Pariſhes. Dioceſs of *Ferns, Kilmichaloge, Killmechue* and *Killkavan.*

XXIX. And whereas the Church in the Town of Newborough in the ſaid Pariſh of Killmichaloge, hath been lately Rebuilt and is in good Repair, and conveniently Situated for the Inhabitants to reſort unto, and lies neareſt of any the aforeſaid Churches, to the Centre of the aforeſaid Pariſhes; Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Biſhop of the ſaid Dioceſs, with the Approbation of the Arch-Biſhop of the Province, and the Conſent of the Patron, Dean and Chapter of Ferns, and the Major part of the Inhabitants of the ſaid Pariſhes, to Unite the ſaid Pariſhes; and the ſaid Pariſhes ſo United, ſhall be called by the Name of the Pariſh of Newborough, and be one Pariſh, to all intents and purpoſes whatſoever,

XXX. And whereas the Ancient Pariſh-Church of Ennis-mac-ſaint in the Dioceſs of Clogher is ruinous, and Situate in an Iſland in Lough-Erin, and inacceſſible for a great part of the Year, and that with the Conſent of the Biſhop of the Dioceſs, the Patron Incumbent, and Major part of the Inhabitants of the ſaid Pariſh a new Church has been Built at Drumenagh in the ſaid Pariſh in a more convenient Place, and was Conſecrated, and the Land whereon the ſaid Church ſtands, with a Church-Yard and Glebe, legally Conveyed. Dioceſs of *Clogher, Ennis-mac-ſaint.*

XXXI. Be it Enacted by the Authority aforeſaid, That the ſaid Church of Drumenagh ſhall be deemed, reputed and taken to be the Pariſh-Church of the ſaid Pariſh of Ennis-mac-ſaint, to all intents and purpoſes whatſoever.

XXXII. And whereas the Pariſh-Church of Slane, in the Dioceſs of Meath is now altogether ruinous, Situate upon a very ſteep Hill, in a place inconvenient for the Pariſhioners to reſort unto, and that the Pariſhioners, with the Conſent of the Biſhop, deſire leave to Build a new Church in a place more convenient within the ſaid Pariſh; Be it Dioceſs of *Meath, Slane.*

Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocess, with the Approbation of the Arch-Bishop of the Province, and the Consent of the Rector, Vicar or other Incumbent of the said Parish for the time being, and of the Patron, and Major part of the Inhabitants thereof, to Build a new Church in such other convenient place within the said Parish as they shall think fit, the Land for the Church and Church-Yard being first Conveyed by the Proprietor of such place, to the Rector, Vicar or Incumbent of the said Parish, his or their Successors for ever, who are hereby Enabled to take and receive a Grant and Conveyance to them and their Successors, in trust for, and to the use of the said Parish; and that such new Church when Built and Consecrated, be reputed and remain the only Parish-Church of the said Parish for ever.

Diocess of *Elphin, Caine* and *Killtome.*

XXXIII. And whereas the Parishes of Caine and Killtome, both in the County of Roscommon and Diocess of Elphin, lie very near and contiguous, and are fit to be United into one Parish; and whereas there is no Church Built in either of the said Parishes; and whereas Luke Dillon of Clonbrock, Esquire, and Edmond Kelly of Skrigg, Esquire, and John Kelly his Son and Heir apparent, are willing to convey such a Proportion of Land in the Lands of Miltonpass within the said Parish of Caine, as shall be sufficient for Building the said Church upon, and for making a Church-Yard thereto.

XXXIV. Be it Enacted by the Authority aforesaid, That the said two Parishes of Caine and Killtome, shall for ever hereafter be United and Esteemed one Parish, to all intents and purposes, and constructions, to be called the Parish of Caine; and that the Church so to be Built on some convenient place in the said Town or Lands of Miltonpass, be reputed and taken to be the Parish-Church of the said United Parishes, the said Luke Dillon, Edmond Kelly and John Kelly, or their Heirs, first Conveying a sufficient quantity of Ground for the said Church and Church-Yard, for the use of the said Parish, notwithstanding the Statute of Mortmain.

Diocess of *Elphin, Donamon, Kilbegnett, Ballynekill* and *Kilcroan.*

XXXV. And whereas the Parish of Donamon in the County of Galway and Diocess of Elphin, being too small and fit to be United to other Parishes; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the Diocess of Elphin for the time being, by and with the Approbation of the Arch-Bishop of the Province, and with the Consent and Agreement of the Patrons Incumbent, and Major part of the Parishioners, to Unite the Parishes of Kilbegnett, Ballynekill, Kilcroan and Donamon, or so many of the said Parishes, as the said Arch-Bishop, Bishop or their Successors, Patrons and Incumbents for the time being, and the Major part of the Parishioners shall hereafter think convenient, and that the said Parishes so United, shall be called and known by the Name of the Parish of Donamon, and be one Parish, to all intents and purposes.

Diocess of *Elphin, Killosonan.*

XXXVI. And whereas the Ancient Parish-Church of Killosonan in the said Diocess of Elphin and County of Galway, is in a ruinous condition and inconveniently Situated, remote from the Inhabitants of the said Parish, and in

in a place almoſt environed with Boggs, and the Road to it unpaſſable; and whereas the Inhabitants of the ſaid Pariſh of Killoſonan, and the preſent Incumbent, with the Conſent of the Lord Biſhop of Elphin, are deſirous that a new Church be Built on the Lands of Cappavarangy, near the Town of Caſtleblackney, within the ſaid Pariſh; and whereas Robert Blackney, Eſquire, Proprietor of the ſaid Lands, hath conſented to Set out two Acres of Land, in ſome convenient place on the ſaid Lands, for Building the ſaid Church and Church-Yard, and a Houſe for the Incumbent, and to Convey the ſame to the Rector, Vicar or Incumbent of the ſaid Pariſh, his or their Succeſſors for ever, for the uſe of the ſaid Pariſh.

Dioceſs of *Elphin*, *Killoſolan*.

XXXVII. Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Inhabitants of the ſaid Pariſh of Killoſolan, or the Major part of them, by and with the Conſent of the Arch-Biſhop of the Province, and of the Biſhop, Patron and Incumbent, to Build a new Church and Church-Yard on ſome convenient Place within the ſaid Pariſh, on the Lands of Cappavaroggy near the ſaid Town of Caſtleblackney, the ſaid Robert Blackney who is hereby Impowered to Grant the ſame, firſt Conveying the ſaid two Acres of Land for the ſaid Church and Church-Yard, and Miniſters Houſe, to the Rector, Vicar or Incumbent of the ſaid Pariſh, and their Succeſſors for ever, who are hereby enabled to Take and Receive a Grant of the ſame to them and their Succeſſors, notwithſtanding the Statute of Mortmain, or any Settlement made by the ſaid Robert Blackney or his Anceſtors, thereof in truſt for, and to the Uſe of the ſaid Pariſh; and that ſuch new Church when Built and Conſecrated, be Reputed and Remain the Pariſh-Church of the ſaid Pariſh for ever, and that it be Called the Pariſh-Church of Caſtleblackney alias Killoſolan, and Deemed as ſuch, to all Intents and Purpoſes whatſoever.

Dioceſs of *Clonfert*, *Ballymackward* and *Clonkeen*.

XXXVIII. And whereas the Pariſhes of Ballymackward and Clonkeen, in the Dioceſs of Clonfert and County of Gallway, fit to be United, and it is fit that a Church be Rebuilt on the Lands of Ballymackward where the Old Church Stands, for the Conveniency of the Inhabitants of the Pariſhes.

XXXIX. Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Arch-Biſhop of the Province, and Biſhop of the ſaid Dioceſs, by and with the Conſent of the Patrons, Incumbent, and the Inhabitants and Major part of them, from and immediately after the Avoidance of the ſaid Churches or either of them, by the Death, Ceſſion or Promotion of either of the Incumbents, of either of the ſaid Pariſhes of Ballymackward and Clonkeen, to Unite the ſaid Pariſhes; and that the ſaid Pariſhes ſo United, ſhall be one Pariſh for ever, by the Name of the Pariſh or Union of Ballymackward, and the Surviving Incumbent of the ſaid United Pariſh, ſhall be the Incumbent of both the ſaid United Pariſhes.

XL. And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful to and for the Pariſhioners of the ſaid United Pariſhes, hereafter, from Time to Time to Proceed by Act of Veſtry or otherwiſe, for Rebuilding of the ſaid Church and Repairing the ſame, and to do all other Things as any other Pariſh or Union can do or could do.

Dioceſs of *Meath, Drakes Town, Killpatrick* and *Knough.*

XLI. And whereas the Pariſh-Church of the Pariſhes of Drakes-Town, Killpatrick and Knough, in the Dioceſs and County of Meath, formerly United and Made one intire Pariſh, by the Name of the Pariſh or Rectory of Drakes-Town, is inconveniently Situated for the Inhabitants of the ſaid United Pariſhes to Reſort unto for Divine Service, and in a Ruinous Condition, and ſcarce Acceſſable for a conſiderable part of the Year.

XLII. And whereas the Church of Killpatrick is more convenient and in very good Repair, and near the Center of the ſaid United Pariſhes; Be it Enacted by the Authority aforeſaid, That it ſhall and may be Lawful for the Biſhop of the ſaid Dioceſs, with the Approbation of the Arch-Biſhop of the Province, and with the Conſent of the Patrons, Incumbent, and Major part of the Pariſhioners, to Conſtitute the ſaid Church of Killpatrick, to be for ever hereafter the Pariſh-Church of the ſaid United Pariſhes, or Rectory of Drakes-Town, Killpatrick and Knough, to all Intents and Purpoſes whatſoever.

Dioceſs of *Armagh, Gernons-Town,* alias *Caſtlebellingham.*

XLIII And whereas the Old Church of the Pariſh of Kilſaran, in the County of Lowth and Dioceſs of Armagh, is Ruinous, and has been ſo of a long Time; and whereas a new Church was Built near Forty Years ago at Gernons-Town, alias Caſtlebellingham, in the ſaid Pariſh, within a Quarter of a Mile of the ſaid Old Pariſh-Church, and a Church-Yard has been Set out thereto, and the ſame has been Conſecrated and been made Uſe of ever ſince, and ſtill is made uſe of for performing Divine Service, and other Offices therein, according to the Uſes and Ceremonies of the Church of Ireland as by Law Eſtabliſhed.

XLIV. And whereas the ſame hath been Repaired and Beautified from Time to Time as Occaſion Required, by Order in the Veſtries held in the ſaid Church at Gernons-Town, ever ſince the ſaid Church has been Built there, and the ſaid Church Yard Set out, to prevent therefore all Doubts and Diſputes which may hereafter ariſe concerning the Removal of the ſaid Church; Be it Enacted, That the ſaid Church at Gernons-Town, alias Caſtlebellingham, be for ever hereafter Taken, and Deemed to be the Pariſh-Church of Kilſaran, to all Intents and Purpoſes whatſoever; any Law to the contrary notwithſtanding; and the Old Church-Yard and Place where the ſaid old Church ſtands, be at the Charge of the Pariſhioners of the ſaid Pariſh, Fenced in and Preſerved from prophane or common Uſage.

XLV. And be it further Enacted by the Authority aforeſaid, That the Ancient Scites of all the Pariſh-Churches and Church-Yards in this Act mentioned, be Kept, Incloſed, and a Part from prophane Uſes from Time to Time by Stone Walls or other ſufficient Fences for that Purpoſe, to be Built and Made about the ſaid Church-Yards, at the Charge and Expence of the Pariſhioners of each reſpective Pariſh.

Materials of old Churches to ſerve the new.

XLVI. Be it further Enacted by the Authority aforeſaid, That where any new Church is by Virtue of this Act to be Built in any Pariſh or Union of Pariſhes, there is or are one or more Ancient Church or Churches, that in ſuch Caſe it may be Lawful to and for the Pariſhioners and Inhabitants of ſuch Pariſh, or Union of Pariſhes, to Remove and Make Uſe of the Materials of all ſuch Ancient

Church

Church or Churches, for and towards the Building such new Intended Church, and for no other Use whatsoever.

XLVII. And be it further Enacted by the Authority aforesaid, That this Act shall be Taken and Esteemed a Publick and General Act, by all Judges in all Courts in this Kingdom. This a publick and general Act.

XLVIII. Provided always, and be it further Enacted by the Authority aforesaid, That where two or more Parishes shall be United, according to the Intent and Directions of this Act, and where the Right of Presentation to the said Parishes is now or at the Time of such Union, may belong to several Patrons respectively, who have or may have right to present to the same, as the Churches in the said respective Parishes may become void, it shall and may be Lawful to and for such Patrons at the Time when they shall Consent to the Uniting of the Parishes as aforesaid, to Agree in whom and in which of them the said Patrons, the Right of Presentation to such Parishes so United shall be, and continue after such Union is Made and Settled, and how often, and what Turn each Patron shall Present to the said United Parishes, and such Agreement so to be made between all the said Patrons, under their and every of their Hands and Seals, shall be Inrolled in Her Majesty's High Court of Chancery, and shall by Virtue of this Act, Bind and Conclude all the said Patrons Parties to the said Agreement, their Heirs and Assigns, and Successors respectively for ever, Saving to the Queen's Most Excellent Majesty, Her Heirs and Successors; all such Right, Title, Interest and Property, which they have or may Claim in any Parishes to be United in Pursuance of this Act, as fully and amply as if this present Act had not been made.

A

Anno Regni Decimo Annæ Reginæ.

CHAP. I.

An Act for Granting to Her Majesty an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, and other Goods and Merchandizes.

CHAP. II.

An Act for the more effectual preventing of Frauds Committed by Tenants.

FOR Securing to Lessors and Landlords their just Rights, and to prevent Frauds frequently Committed by Tenants; Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That in Case any Tenant or Tenants, for any Term for Life, Lives or Years, or other Person or Persons, who are or shall come into Possession of any Lands, Tenements or Hereditaments, by, from or under, or by Collusion with such Tenant or Tenants, shall wilfully Hold over, any Lands, Tenements or Hereditaments, after the Determination of such Term or Terms, and after Demand made, and Notice in Writing Given for Delivering the Possession thereof, by his or their Landlords or Lessors, his or their Agent or Agents thereunto Lawfully Authorized, then and in such Case, such Person or Persons so Holding over, shall for and during the Time he, she and they shall so Hold over or keep Possession of the said Lands, Tenements and Hereditaments as aforesaid, Pay and Forfeit, to the Landlord or Landlords, Lessor or Lessors, his, her or their Heirs, Executors, Administrators or Assigns, or to such Person or Persons, to whom the immediate Reversion of such Lands expectant on the Determination of such Lease shall respectively belong, double the Yearly Value of the Lands, Tenements and Hereditaments, so Detained for so long Time, as the same are Detained to be Recovered, in any of Her Majesty's Courts of Record, by Action of Debt or Trespass, whereunto the Defendant or Defendants shall be Obliged to Give Special Bail, against the Recovering of which said Penalty, there shall be no Relief in Equity.

In Case of Tenants holding over.

Double the Yearly Value.

II. And whereas great Inconveniencies do frequently happen to Lessors and Landlords, in Cases of Re-entry for Non-Payment of Rent, by Reason of the many Niceties that Attend Re-entries at Common Law.

III. And for as much as when a Legal Re-entry is made, the Landlord or Lessor must be at the Expence, Charge and Delay of Recovering in Ejectment before he can Obtain the actual Possession of the Demised Premisses, and it often happens, that after such a Re-entry made, the Lessee or his Assignee, upon one or more Bills Filed in a Court of Equity, not only Holds out the Lessor or Landlord, by an Injunction from Recovering the Possession; but likewise Pending the said Suit, do Run much more in Arrear, without Giving any Security for the Rents due, when the said Re-entry was made, or which shall or do afterwards Incur.

In what Case to Re-enter.

IV. For Remedy whereof, Be it Enacted by the Authority aforesaid, That in all Cases, between Landlord and Tenant, from and after the Five and Twentieth Day of March, in the Year of Our Lord, One thousand seven hundred and Twelve, as often as it shall happen, that more than one Half Years Rent shall be in Arrear, and the Landlord or Lessor, to whom the same is due, hath Right by Law to Re-enter for the Non-Payment thereof; such Landlord or Lessor shall and may without any Formal Demand or Re-entry, Serve a Summons in Ejectment, for the Recovery of the Demised Premisses, which Summons in Ejectment shall Stand in the Place, and Stead of a Demand and Re-entry, and in Case of Judgment, against the Casual Ejector or Non Suit, for not Confessing Lease, Entry and Ouster, it shall be made Appear to the Court, where the said Suit is Depending, by Affidavit or be Proved upon the Tryal, in Case the Defendant appears, that more than half a Year's Rent was due, before the said Summons was Served, and that no sufficient Distress was to be Found on the Demised Premisses, Countervailing the Arrears then due, and that the Lessor or Lessors in Ejectment, had Power to Re-enter, then and in every such Case, the Lessor or Lessors in Ejectment, shall Recover Judgment and Execution, in the same Manner as if the Rent in Arrear had been legally Demanded and a Re-entry made; and in Case the Lessee or Lessees his or their Assignee or Assignees, or other Person or Persons Claiming or Deriving under the said Leases, shall Permit and Suffer Judgment to be Had, and Recovered on such Ejectment and Execution, to be Executed thereon, without Paying the Rent and Arrear together with full Costs, and without Filing any Bill or Bills for Relief in Equity, within Six Calendar Months after such Execution Executed, then and in such Case, the said Lessee and Lessees, his or their Assignee or Assignees, and all other Persons Claiming and Deriving under the said Lease, shall be Barred and Foreclosed from all Relief or Remedy in Law or Equity, other than by Writ of Error for Reversal of such Judgment, in Case the same shall be Erroneous, and the said Landlord or Lessor, shall from thenceforth Hold the said Demised Premisses, Discharged from such Lease, and if on such Ejectment Verdict shall Pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs, shall be Non Suited therein, except for the Defendant or Defendants not Confessing Lease, Entry and Ouster, then in every such Case, such Defendant or Defendants shall Have and Recover his and their full Costs.

A Bill for Relief to be Filed in six Calendar Months.

V. Pro-

V. Provided always, That nothing herein contained, shall extend to Barr the Right of any Mortgage or Mortgages of such Lease, or any Part thereof, who shall not be in Possession.

VI. And be it further Enacted by the Authority aforesaid, That in Case the said Lessee or Lessees, his or their Assignee or Assignees, or other Person or Persons Claiming any Right, Title or Interest in Law or Equity, of, in, or to the said Lease, shall within the Time aforesaid, File one or more Bill or Bills, for Relief in any Court of Equity, such Person or Persons shall not have or continue any Injunction against the Proceedings at Law on such Ejectment, unless he or they do, or shall within Forty Days next after a full and perfect Answer shall be Filed, by the Lessor or Lessors of the Plaintiff, in such Ejectment, bring into Court, and Lodge with the proper Officer, such Sum and Sums of Money as the Lessor or Lessors of the Plaintiff, in the said Ejectment, shall in his or their Answer Swear to be due, and in Arrear, over and above all just Allowances, and also the Costs taxed in the said Suit, there to Remain till the Hearing of the Cause, or to be Paid out to the Lessor or Landlord on good Security, Subject to the Decree of the Court, and in Case such Bill or Bills shall be Filed within the Time aforesaid, and after Execution is Executed, the Lessor or Lessors of the Plaintiff, shall be Accountable only for so much and no more, as he or they shall really and bona fide, without Fraud, Deceit, or wilful Neglect, make of the Demised Premisses, from the Time of his or their Entring into the actual Possession thereof, and if, what shall be so made by the Lessor or Lessors of the Plaintiff, happen to be less than the Rent Reserved on the said Lease, then the said Lessee or Lessees, his or their Assignee or Assignees, before he or they shall be Restored to his or their Possession or Possessions, shall Pay such Lessor or Lessors, or Landlord or Landlords, what the Money so by them made, fell short of the Reserved Rent, for the Time such Lessor or Lessors of the Plaintiff, Landlord or Landlords held the said Lands.

If the Rent and Charges be tendered, all further Proceedings to cease.

VII. Provided always, And be it further Enacted by the Authority aforesaid, That if the Tenant or Tenants, his or their Assignee or Assignees, do or shall at any time before the Tryal, in such Ejectment, Pay or Tender the Lessor or Landlord, his Executors or Administrators, or his, their Agent or Attorney in that Cause, all the Rent and Arrears, together with the Costs, then and in such Case all further Proceedings on the said Ejectment shall cease and be discontinued, and if such Lessee or Lessees, his or their Executors, Administrators or Assigns, shall upon such Bill Filed as aforesaid, be relieved in Equity, he and they shall Have, Hold and Enjoy the Demised Lands, according to the Lease thereof made, without any new Lease to be thereof made, to him or them.

Concerning Assignments.

VIII. And be it further Enacted by the Authority aforesaid, That all and every Person and Persons, who from and after the Twenty Fifth Day of March, One thousand seven hundred and twelve, shall take any Assignment, of all the Residue of any Term for Years or Life, or Lives, their Executors or Administrators, shall be liable to all the Covenants, whereunto the Lessees, their Executors and

Administrators were liable by, or by vertue of the said Leases.

IX. And whereas the Remedy for Recovering Rents-seck, Rents of Assize, and Chief Rents are tedious and difficult.

Bodies Politick and Corporate, like Remedies as other Landlords.

X. Be it therefore Enacted by the Authority aforesaid, That from and after the Five and Twentieth Day of March, which will be in the Year of our Lord One thousand seven hundred and twelve, all and every Person or Persons, Bodies Politick and Corporate, shall and may have the like Remedy by Distress, and by Impounding and Selling the same in Cases of Rent-Seck, Rents of Assize, and Chief-Rents, which have been duly Answered or Paid, for the space of Three Years, within the space of Twenty Years, before the first Day of this present Session of Parliament, or shall be hereafter Created as in Case of Rent Charges, any Law, or Usage to the contrary notwithstanding,

Proviso for Infants, *Femme Covert*, and *Non Compos Mentis*, or out of the Kingdom.

XI. Provided always, That no Proceedings by Virtue of this Act, for breach of any Condition, shall Prejudice the Right or Title of any Infant Femme Covert, Person being Non Compos Mentis, or being out of Her Majesty's Dominion.

CHAP. III.

An Act to Enable Guardians and others, to Renew Leases for Lives.

WHEREAS several Persons have heretofore made, and hereafter may make Leases for one or more Life or Lives, of several Lands, Tenements and Hereditaments in this Kingdom, with Covenants and Agreements, in such Leases, for Renewing the same from time to time, on the Tender and Payment of some Fine Certain, on the Death of any Life or Lives, in such Lease or Leases mentioned, by adding such one or more New Life or Lives, on failure of the Life or Lives in being, within the respective times, in such Agreements and Covenants mentioned, as the several Lessee or Lessees, in such Lease or Leases shall Nominate.

II. And whereas, through one Pretence or other, on the fall or failure of any Life or Lives in being, the Lessee or Lessees are greatly delay'd, before he or they can obtain any Renewal according to the Covenants and Agreements in their Leases, to their very great Discouragement.

In what Cases Guardians may Renew Leases for Lives, &c.

II. For Remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That if it shall so happen that any Person or Person, who in Pursuance of such Agreements, for Renewal in such Leases contained, or to be contained, ought to make such New Lease or Leases, as have been or shall be Agreed to be made, shall be under any Disability

Diſability ſo to do, by reaſon of Infancy, Coverture or Non Compos Mentis, that then, and in every ſuch Caſe (that is to ſay) in Caſe of Diſability, by reaſon of Infancy, or being under Age, by the Direction of the High Court of Chancery, or the Court of Exchequer, ſignified by an Order made upon hearing all Parties concerned, on the Petition of ſuch Leſſee or Leſſees, and it ſhall and may be lawful, to and for the Guardian or Guardians of ſuch Infant or Perſon under Age, upon ſuch Leſſee or Leſſees, tendering the Fine or Fines agreed on in ſuch Leaſe, and performing all ſuch Matters and Things, as by the ſaid Covenants and Agreements ought to be performed, on his or their Part and Behalf, previous to ſuch Renewal, in ſuch manner as ſhall by ſuch Order be directed, to Renew ſuch Leaſe or Leaſes, by adding ſuch New Life or Lives, as ſhall be Named by the ſaid Leſſee or Leſſees, according to the ſaid Covenants and Agreements, and ſuch Guardian or Guardians, are hereby required to Renew ſuch Leaſe or Leaſes, by putting in ſuch New Life or Lives as ſhall be ſo Named unto them as aforeſaid, while the Infant or Minor of ſuch Guardian or Guardians, ſhall be under ſuch Diſability of Infancy, or under Age.

The Lord Chancellor in Caſe of *Non Compos Mentis*, Coverture, &c.

IV. And be it Enacted by the Authority aforeſaid, That in all Caſes where the Perſon or Perſons, who by Covenant or Agreement are obliged to make ſuch Renewals, are or ſhall be diſabled to Renew, by reaſon of being under Coverture beyond the Seas, or Non Compos Mentis, it ſhall and may be lawful, to and for the Lord Chancellor, or Commiſſioner or Commiſſioners of the Great Seal of this Kingdom, for the time being, upon Petition or Complaint made to him or them, in the High Court of Chancery, upon Payment of the Fine, and ſuch other Sum or Sums of Money as ought to be paid upon ſuch Renewal, for the Uſe of the Perſon or Perſons Intitled to the ſame, and upon the Leſſee or Leſſees doing and performing all, and every ſuch Matters and Things, as by the ſaid Covenants or Agreements in the ſaid Leaſe or Leaſes ought to be done, or performed by him or them, previous to ſuch Renewal, to Order or Appoint ſuch Renewal or Renewals to be made, by one of the Maſters of the ſaid Court of Chancery, to be Nominated and Appointed by the ſaid Lord Chancellor, or Commiſſioner or Commiſſioners of the Great Seal, for the time being, and ſuch Maſter ſo Nominated and Appointed, and alſo, ſuch Guardian and Guardians as aforeſaid, ſhall make and execute, ſuch Deed of Renewal, in the Name of the Perſon or Perſons, who ought to have Renewed the ſame, which Deed or Deeds of Renewal, ſo made and executed, by the ſaid Guardian or Guardians, Maſter or Maſters, Counter-Parts thereof, being duly perfected by the Leſſee or Leſſees, for the Uſe and Benefit of the Perſon or Perſons, having the Reverſion and Inheritance of ſuch Lands, Tenements or Hereditaments, comprized in ſuch Deed or Deeds, ſhall be as good and effectual in Law and Equity, to all Intents and Purpoſes, as if the Perſon or Perſons under Age, had been of full Age, and had Executed the ſame, or as if the other Perſon or Perſons under ſuch diſability had not been ſo diſabled, and had Executed the ſame.

Proviloe. V. Provided such Person or Persons under Age, or under such Disability as aforesaid, were at the time of the Renewal of such Lease, Compellable in Law or Equity, to make such Renewal.

CHAP. IV.

An Act for the more Effectual preventing the Ingrossing, Forestalling, and Regrating of Coals, Imported into this Kingdom.

CHAP. V.

An Act for the better preventing of Excessive and Deceitful Gaming.

WHEREAS the Laws now in Force, for preventing the Mischiefs, which happen by Gaming, have not been found sufficient for that Purpose, therefore for the further preventing of all Excessive and Deceitful Gaming.

All Securities whatsoever that are given for Money at Gaming or Betting, or Lent to be void.

II. Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the First Day of November, One thousand seven hundred and eleven, all Notes, Bills, Bonds, Judgments, Mortgages or other Securities, or Conveyances whatsoever Given, Granted, Drawn or Entered into, or Executed by any Person or Persons whatsoever, where the whole or any part of the Consideration of such Conveyances or Securities, shall be for any Money or other Valuable Thing whatsoever, Won by Gaming or Playing at Cards, Dice, Tables, Tennis, Bowls or other Game or Games whatsoever, or by Betting on the Sides or Hands of such, as do Game at any of the Games aforesaid, or for the Reimbursing or Re-paying any Money, knowingly Lent or Advanced, for such Gaming or Betting as aforesaid, or Lent or Advanced at the Time and Place of such Play, to any Person or Persons so Gaming or Betting as aforesaid, or to any other Person or Persons in Trust for, or to the Use or Benefit of him or them so Gaming or Betting, or that shall during such Play, so Play or Bet, shall be utterly Void, Frustrate and of none Effect, to all Intents and Purposes whatsoever; any Statute, Law or Usage to the contrary thereof in any wise notwithstanding.

All Grants, Conveyances, to be deemed void and fraudulent.

III. And that where such Mortgages, Securities or other Conveyances, shall be of Lands, Tenements or Hereditaments, or shall be such as Incumber or Affect the same, such Mortgages, Securities or other Conveyances shall Enure, and be, to and for the Sole Use and Benefit of, and shall Devolve upon such Person or Persons, as should, or might have, or be Intitled to such Lands, Tenements or Hereditaments, in

in Case the said Grantor or Grantors thereof, or the Person or Persons so Incumbring the same, had been Naturally Dead, and as if such Mortgages, Securities or other Conveyances, had been made to such Person or Persons so to be Intitled, after the Decease of the Person or Persons so Incumbring the same, and that all Grants or Conveyances to be made, for the Preventing of such Lands, Tenements or Hereditaments, from coming to, or devolving upon such Person or Persons, hereby Intended to Enjoy the same as aforesaid, shall be Deemed Fraudulent and Void and of none Effect, to all Intents and Purposes whatsoever.

IV. And be it further Enacted by the Authority aforesaid, That from and after the said First Day of November, One thousand seven hundred and eleven, any Person or Persons whatsoever, who shall at any Time within Twenty Four Hours, or at any one Meeting or Sitting, by Playing at Cards, Dice, Tables or other Game or Games whatsoever, or by Betting on the Sides or Hands of such as do Play, at any of the Games aforesaid, Lose to any one or more Person or Persons so Playing or Betting in the whole, the Sum or Value of Ten Pounds, and shall Pay or Deliver the same, or any Part thereof, the Person or Persons so Losing and Paying or Delivering the same, shall be at Liberty within Three Months then next following, to Sue for, and Recover the Money or Goods so Lost and Paid or Delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt Founded on this Act, to be Prosecuted in any of Her Majesty's Courts of Record, in which Actions or Suits, no Essoin, Protection, Wager of Law, Privilege of Parliament, or more than one Imparlance shall be Allowed, in which Actions, it shall be Sufficient for the Plaintiff to Alledge, that the Defendant or Defendants, are Indebted to the Plaintiff's or Received to the Plaintiff's Use, the Money so Lost and Paid, or Converted the Goods Won of the Plaintiff's to the Defendant's Use, whereby the Plaintiff's Action Accrued to him according to the Form of this Statute without Setting forth the Special Matter, and in Case the Person or Persons who shall Lose such Money, or other Thing as aforesaid, shall not within the Time aforesaid, really and bona fide, and without Covin or Collusion Sue, and with Effect Prosecute for the Money or other Thing, so by him or them Lost and Paid, or Delivered, as aforesaid, it shall and may be Lawful, to and for any Person or Persons, by any such Action or Suit as aforesaid, to Sue for and Recover the same, and treble the Value thereof, with Costs of Suit against such Winner or Winners as aforesaid, the one Moiety thereof to the Use of the Person or Persons that will Sue for the same, and the other Moiety to the Minister and Church-Wardens, for the Use of the Poor, in the Parish where the Offence shall be committed, and for the better Discovery of the Moneys, or other Things so Won, and to be Sued for, and Recovered as aforesaid.

The Money lost if paid, the Party may in three Months recover the same again.

V. Be it further Enacted by the Authority aforesaid, That all and every the Person or Persons, who by Virtue of this present Act, shall or may be Liable to be Sued for the same, shall be Obliged, and Compellable to Answer upon Oath, such Bill or Bills, as shall be preferred against him or them,

The Person Sued is bound to answer upon Oath.

them, for discovering the Sum or Sums of Money, or other Thing so Won at Play as aforesaid.

Five times the Value of the Money won, to be paid.

VI. And be it further Enacted by the Authority aforesaid, That if any Person or Persons whatsoever, at any Time or Times after the said First Day of November, One thousand seven hundred and eleven, do or shall by any Fraud or Shift, Cousenage, Circumvention, Deceit or Unlawful Device, or ill Practice whatsoever, in Playing at, or with Cards, Dice, or any the Games aforesaid, or in or by bearing a Share or Part, in the Stakes, Wagers or Adventures, or in, or by Betting on the Sides or Hands, of such as do or shall Play as aforesaid, Win, Obtain or Acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, or shall at any Time within the Space of Twenty Four Hours, or any one Meeting or Sitting, Win of any one or more Person or Persons whatsoever, above the Sum or Value of Ten Pounds, that then every Person or Persons so Winning by such ill Practices as aforesaid, or Winning at any one Time, or Sitting as aforesaid, above the said Sum or Value of Ten Pounds, and being Convicted of any of the said Offences, upon an Indictment or Information, to be Exhibited against him, or them for that Purpose, shall Forfeit Five Times the Value of the Sum or Sums of Money, or other Thing so Won as aforesaid, and in Case of such ill Practice as aforesaid, shall be Deemed Infamous, and Suffer such Corporal Punishment, as in Cases of Wilful Perjury, and such Penalty to be Recovered by such Person or Persons, as shall Sue for the same, by such Action as aforesaid.

VII. And whereas, diverse Lewd and Dissolute Persons, Live at great Expences, having no visible Estate, Profession or Calling to Maintain themselves, but Support those Expences by Gaming only.

The Justices of the Peace to enquire and take up Persons suspected to have no visible Effects, &c.

VIII. Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, for any Two or more of Her Majesty's Justices of the Peace, in any County, City or Liberty whatsoever, to cause, to come, or to be brought before them, every such Person or Persons within their respective Limits, whom they shall have just cause to Suspect, to have no Visible Estate, Profession or Calling, to Maintain themselves by, but do for the most Part Support themselves by Gaming, and if such Person or Persons, shall not make it Appear to such Justices, that the Principal Part of his, or their Expences, is not Maintained by Gaming, that then such Justices shall Require of him or them, Sufficient Security, for his or their good Behaviour, for the Space of Twelve Months, and in Default of his or their Finding such Securities, to Commit him or them to the Common Goal, there to Remain, until he or they shall find such Securities as aforesaid.

Any two Justices of Peace may call any one, that they shall suspect before them, &c.

No one bound to their good behaviour not to sit and bett or play, the Penalty.

IX. And be it Enacted by the Authority aforesaid, That if such Person or Persons so finding Securities as aforesaid, shall during the time, for which he or they shall be so bound, to their good Behaviour, at any one Time or Sitting, Play or Bett, for any Sum or Sums of Money, or other Thing exceeding in the whole, the Sum or Value of Twenty Shillings, that then such Playing, shall be Deemed or Taken, to be a Breach of his or their good Beha-

Behaviour, and a Forfeiture of their Recognizance given for the same.

X. And for preventing such Quarrels, as shall or may happen upon the Account of Gaming.

XI. Be it further Enacted by the Authority aforesaid, That in Case any Person or Persons whatsoever, shall Assault, or Beat, or shall Challenge, or Provoke to Fight any other Person or Persons whatsoever, upon Account of any Money Won by Gaming, Playing or Betting, at any of the Games aforesaid, such Person or Persons Assaulting or Beating, or Challenging, or Provoking to Fight, such other Person or Persons, upon the Account aforesaid, shall, being thereof Convicted, upon an Indictment or Information, to be Exhibited against him or them for that Purpose, Forfeit to Her Majesty, Her Heirs and Successors, all his Goods, Chattles and Personal Estate whatsoever, and also suffer Imprisonment, without Bail or Mainprize, in the Common Goal, of the County where such Conviction shall be had, during the Term of Two Years.

If any one shall Assault or Challenge, or Provoke to Fight any one upon the account of Money won at Gaming, the Forfeiture.

XII. And for Prevention of the great Mischiefs that Commonly attend Gaming in Shops, within this Kingdom,

XIII. Be it Enacted by the Authority aforesaid, that from and after the First Day November next no Person or Persons whatsoever, shall play at any Game or Games, with Dice or Cards, within any Shop or Shops, or in any Room or Place thereunto belonging, for any Money or Goods, and that no Shop-Keeper or other Person or Persons whatsoever, keeping such Shop or Shops, or any Room or Place thereunto belonging shall Encourage or knowingly Permit or Suffer any Person or Persons whatsoever, to Play at any Game or Games whatsoever, with Dice or Cards, for any Money or Goods, within their respective Shops or Ware-Houses, or any Room, Chamber, Shed or Place belonging to such Shops or Ware-Houses, and which any way belong to the Owners, Occupiers or Possessors of such Shops and Ware-Houses, upon pain of Forfeiting the Sum of Ten Pounds, for every such Offence, to be Recovered with Costs, from the Person or Persons so Offending, and to be Distributed in such Manner, as herein before is Enacted, in Relation to Persons that shall Win, or Lose any Sum, exceeding the Sum of Ten Pounds as aforesaid.

No Shop-Keeper or House Keeper to Encourage Gaming, on the Penalty of Forfeiting Ten Pounds,

XIV. Provided always, That if any Person or Persons do, after the aforesaid time, Play at any Game, with Dice or Cards, in such Shop, Ware-House, Room, Chamber, Shed or Place aforesaid, against the Will and Desire, and without the Consent of the Occupiers and Possessors of the same, then, and in such Case, if such Shop-Keepers, or House-Keepers, in whose Shop or House, or one or more of his Servants, or of his Family, shall within the space of Twenty Eight Days next, after such Offence Committed, give Information upon Oath, before a Justice of the Peace or other proper Magistrate, against the Person or Persons, who shall so Offend, that then and in such Case, the said Shop-Keepers and House-Keepers, shall not be liable to the said Penalty inflicted on them as aforesaid, and such Justice or Justices of the Peace, or proper Magistrate

No Person to Play in any Shop, &c. without consent of the Owner, &c.

or Magiſtrates, before whom ſuch Information ſhall be made, are hereby required, to Iſſue a Warrant againſt every Perſon and Perſons ſo Offending, and Commit him, her or them to Priſon, until he, ſhe or they find good Security, for their, his or her good Behaviour, and ſhall nevertheleſs be liable to the Penalties, to be Inflicted on the Perſons ſo Playing as aforeſaid.

Proviſion for Playing in the Caſtle of *Dublin*, &c.

XV. Provided always, That nothing herein contained, ſhall extend to prevent or hinder any Perſon or Perſons, from Gaming or Playing at any the Games aforeſaid, in the Caſtle of Dublin, or any other the Houſes of Her Majeſty, Her Heirs or Succeſſors, during ſuch time as the Lord Lieutenant or other Chief Governor or Governors, for the time being, ſhall be actually reſident, during the time of ſuch actual Reſidence, and ſo as ſuch Playing be for ready Money only.

CHAP. VI.

An Act for Suppreſſing Lotteries.

Lotteries to be taken as publick Nuſances.

WHEREAS, many Evil Diſpoſed Perſons, have, of late, Set up many Miſchievous and Unlawful Games called Lotteries, not only in the City of Dublin, but in other Parts of this Kingdom, and by Setting up to Sale, by Way of Lottery, ſeveral Goods and other Merchandizes, at unreaſonable and exceſſive Rates, thereby moſt Unjuſtly and Fraudulently Got to themſelves, great Sums of Money from the Children and Servants of ſeveral Gentlemen, Traders and Merchants, and from many Unwary Perſons, to the great Impoveriſhment of the Merchants, and fair Traders of this Kingdom.

No Perſon to Keep, Play at, or Draw at any Lottery, &c.

II. For Remedy whereof, Be it Enacted by the Queen's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, That from and after the Firſt Day of November, One thouſand ſeven hundred and eleven, all Lotteries ſhall be Deemed, Adjudged, and Taken to be Publick Nuſances, and that from and after the ſaid Firſt Day of November, One thouſand ſeven hundred and eleven, no Perſon or Perſons whatſoever ſhall Publickly or Privately, Exerciſe, Keep, Open, Shew, or Expoſe, to be Plaid at, Drawn at, or Thrown at, or Shew, Draw, Play or Throw, at any ſuch Lottery, or any other Lottery, either by Dice, Lotts, Cards, Balls, or any other Numbers or Figures or any other Way whatſoever.

The Penalty for expoſing any Lottery, &c.

III. And be it further Enacted by the Authority aforeſaid, That every Perſon or Perſons, that ſhall after the ſaid Firſt Day of November, One thouſand ſeven hundred and eleven, Exerciſe, Expoſe, Open or Shew, to be Plaid, Thrown or Drawn at, any ſuch Lottery, Play or Deviſe, or other Lottery, ſhall Forfeit for every ſuch Offence, the Sum of One hundred Pounds, to be Recovered by Information, Bill, Plaint or Action at Law, in any of Her Majeſty's Four Courts

Courts at Dublin, wherein no Eſſoign, Wager of Law or any more than one Imparlance ſhall be Allowed, One Third Part thereof to the Uſe of Her Majeſty, Her Heirs and Succeſſors, One other Third Part thereof to the Uſe of the Poor of the Pariſh, where ſuch Offence ſhall be committed, and the other Third Part thereof together, with double Coſts to the Party, that ſhall Inform and Sue for the ſame, and the ſaid Parties ſo Offending, ſhall likewiſe be Proſecuted as Common Cheats, according to the Statutes in that Caſe Made and Provided.

IV. And be it further Enacted by the Authority aforeſaid, That every Perſon or Perſons, that after the ſaid Firſt Day of November, One thouſand ſeven hundred and eleven, ſhall Play, Throw or Draw, at any ſuch Lottery, Play or Deviſe, or other Lotteries, ſhall Forfeit for every ſuch Offence, the Sum of Ten Pounds, to be Recovered by Information, Bill, Plaint or Action at Law, in any of Her Majeſty's Four Courts at Dublin, wherein no Eſſoign, Wager of Law, nor any more than one Imparlance ſhall be Allowed, One Third Part thereof to the Uſe of Her Majeſty, Her Heirs and Succeſſors, One other Third Part thereof to the Uſe of the Poor of the Pariſh, where ſuch Offence ſhall be Committed, and the other Third Part thereof, together with double Coſts to the Party, that ſhall Inform and Sue for the ſame. The Forfeiture for Playing or Drawing, &c.

V. Provided, That no Perſon who ſhall be Proſecuted by Virtue of this Act, for any the Offences herein Mentioned, ſhall be Proſecuted for the ſame, by Virtue of any other Act of Parliament whatſoever. No Perſon Proſecuted by this Act to be Proſecuted by any other.

CHAP. VII.

An Act for the better preſervation of the Game.

WHEREAS the Game and Fiſh in Rivers and Ponds of this Kingdom, is very much deſtroyed by Birds or Beaſts of Prey, to Encourage the Killing of all ſuch Birds or Beaſts of Prey.

II. Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled and by the Authority of the ſame, That from and after the Five and Twentieth Day of December, in the Year of Our Lord, One thouſand ſeven hundred and Eleven, for every Otter that ſhall be Killed, there ſhall be a Reward of Five Shillings, for every Weazel Six pence, for every Heron Six pence, for every Kite Four pence, and for every Scal-Crow Two pence, to the Perſon or Perſons ſo Killing the ſame reſpectively, which ſaid ſeveral reſpective Sums, it ſhall and may lawful, to and for, each and every Grand-Jury, at their reſpective Quarter-Seſſions throughout this Kingdom, on Examination upon Oath thereof, taken before one or more Juſtices of the Peace, for the reſpective Counties, wherein ſuch Otter or Weazel, Heron, Kite or Scal-Crow was Killed, in ſuch County, to preſent the ſame, and the Sum or Sums ſo preſented, The Reward for Killing *Otter, Weazel, Heron, Kite*, or *Scal-Crow*.

ed, it shall and may be Lawful, to and for, the several and respective High and Petty Constables, on an Order from the Quarter-Sessions, Signed by the Clerk of the Peace, of the several and respective Quarter-Sessions, as in such Cases is usual to Levy and Collect, and the same so Levyed and Collected, shall be Paid by the Treasurer or other Person or Persons of each County, appointed to receive the Publick Money, to the Person or Persons, who produce a Certificate of his, or their having Killed the same, the next Quarter-Sessions after such Money is so presented, without Fee or Reward to such Treasurer, or other Person appointed to Receive the same.

III. And whereas, the Species of Red-Deer is like to be Entirely Destroyed, for want of a sufficient Law, to detect such Persons, as make it a great part of their Business, to Kill and Destroy the same.

The Penalties for Killing *Red-Deer*, or Calf of a *Red-Deer*.

IV. Be it therefore Enacted by the Authority aforesaid, That if any Person or Persons, shall from and after the Five and Twentieth Day of December, One thousand seven hundred and eleven, (except such as are qualified to Kill the Game,) Kill or any way Destroy, without the Consent of the Owner or Owners thereof, any Red-Deer or Calf of a Red-Deer, such Person or Persons so Offending, shall for the first Offence, being thereof Lawfully Convicted, pay the Sum of Forty Shillings, and for every other Offence, the Sum of Five Pounds, which Offences shall be Determined, before two or more Justices of the Peace, and for the better Discovery of such Offender.

V. Be it Enacted by the Authority aforesaid, That it shall and may be lawful for any Constable, Officer or other Person, by Warrant of any two or more Justices of the Peace, within the Limits of their respective Jurisdictions, to make search in all Suspected Houses and Places, other than of such Persons who shall be qualified to Kill the Game, for any Red-Deer Skin, Flesh or Calf of a Red-Deer, and if such Person shall find any such Red-Deer, Calf, Flesh or Skin, of such Red Deer or Calf, in the Possession of any Person, he shall bring such Suspected Person, before such Justices of the Peace, where, if such Person, shall not make Proof, to the Satisfaction of the said Justices of the Peace, that the same was not taken, killed, or gotten contrary to this Act, or else, shall not in some convenient Time, to be set by the said Justices, not exceeding Six Days, produce the Party of whom he bought the same, or some other Credible Person to depose upon Oath, such Sale thereof, that then such Person not giving such good Account, nor producing such Witnesses as aforesaid, shall be Convicted by the said Justices of the said Offence, and upon such Conviction, shall Forfeit the Sums before-mentioned, to be Levyed by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of such Justices, before whom such Offenders shall be Convicted, rendering the Overplus (if any be) and for want of Distress, the Offender or Offenders, shall be Committed to the House of Correction, for any time not exceeding one Month, and not less then Ten Days, there to be Whipped, and kept to hard Labour.

VI. And be it further Enacted by the Authority aforesaid, That if it shall appear, upon Oath, before such Justices of the Peace, that any Person or Persons have bought from

from any Perſon whatſoever, (except Perſons Qualified to Kill the Game, or the Owner or Owners thereof,) any Red Deer, Calf or Skin of a Red Deer, it ſhall be in the Power of ſuch Juſtices of the Peace to Award the Party, who diſcovers the ſame, the Sum of Twenty Shillings, to be Levyed by Diſtreſs and Sale as aforeſaid, of the Buyers Goods.

VII. And whereas the Species of Cocks of the Wood, a Fowl peculiar to this Kingdom, is in Danger to be entirely loſt, unleſs ſome care be taken to preſerve the ſame.

VIII. Be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons, ſhall at any Time or Times. within Seven Years next, after the ſaid Twenty Fifth Day of December, One thouſand ſeven hundred and eleven, Kill, or any way Deſtroy, any Cock or Hen of the Wood, or Spoil, Take or Deſtroy, any Eggs or Neſt, of any ſuch Hen of the Wood, or if any Cock or Hen of the Wood, or the Eggs or Neſt, of any ſuch Hen of the Wood, ſhall be found, or taken in the Poſſeſſion or Cuſtody of any Perſon or Perſons, within the time aforeſaid, ſuch Perſon or Perſons ſo Offending, being lawfully Convict thereof, ſhall Forfeit and Pay the Sum of Ten Shillings, to be Determined before ſuch Perſons, and Levyed in ſuch manner as aforeſaid, and for want of Diſtreſs the Offender or Offenders, ſhall be Committed to the Houſe of Correction, for any Time not exceeding one Month, and not leſs than Ten Days, there to be Whipped, and Kept to hard Labour.

CHAP. VIII.

An Act for Explaining and Amending ſeveral Statutes, for Prohibiting Under-Sheriffs and Sheriffs-Clerks, from Officiating as Sub-Sheriffs or Sheriffs-Clerks, more than one Year.

WHEREAS by an Act of Parliament, made in England, in the Forty Second Year of King Edward the Third, it is Enacted, That no Sheriff, Under-Sheriff or Sheriffs-Clerk, ſhall abide in his Office above one Year; And by another Act made in England, in the Firſt Year of King Richard the Second, it is Enacted, That none who hath been Sheriff for a Year, ſhall within Three Years next enſuing, be Choſen again, or put into the Office of Sheriff, if there be other Perſons in the County ſufficient of Poſſeſſion, and Goods to Anſwer the King and his People. And by another Act made in England, in the Firſt Year of King Henry the Fifth; it is Enacted, That they which be Bayliffs of Sheriffs for one Year, ſhall be in no ſuch Office by three Years next following, except Bayliffs of Sheriffs, which be Inheritable in their Sheriffwicks, and that no Under-Sheriff, Sheriffs-Clerk, Receiver, or Sheriffs-Bayliff be Attorney, in any of the King's-Courts, during the Time that he is in his Office with any ſuch Sheriff. And by another Act of Parliament made in England, in the Twenty Third Year of

of King Henry the Sixth; it is Enacted, That if any Sheriff or Under-Sheriff, or Sheriffs-Clerk, Occupy the Office of Sheriff, Under-Sheriff or Sheriffs-Clerk, contrary to any of the ſaid Statutes, or againſt the Effect, or Intent of them, he ſhall Forfeit the Sum of Two hundred Pounds Yearly, as long as he ſo Occupieth, and that every Pardon, to be made for ſuch Offence or Occupation, ſhall be Void, and that any Leige-Man, who will Sue for the ſaid Forfeiture, ſhall be Received and Admitted to Sue an Action of Debt in his own Name, the King to have the one Half of what ſhall be Recovered by ſuch Suit, and he or they, that will Sue to have the other Half. **All which Acts are of Force in this Kingdom.**

II. **And whereas, the ſaid Acts have been Notoriouſly Eluded by Under-Sheriffs, Sheriffs-Clerks, Deputies and Bayliffs, Continuing in their Offices for ſeveral Years together, One Year as Under-Sheriff, other as Sheriffs-Clerk or Deputy, Receiver or Bayliff, and by taking the ſaid Offices by Turns, and in other Perſons Names in Truſt, and Receiving the Profits for their own Uſe, which hath been the Occaſion of much Corruption, Delay of Juſtice, Oppreſſion of the Subjects, and other Miſchiefs, for Remedy whereof, and for the better and more effectual Execution of ſuch Wholſome and Neceſſary Laws,**

All Acts concerning Sheriffs or Sub-Sheriffs now in Force, to continue ſo.

III. **Be it Enacted, and Declared by the Queen's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That all and every the Laws and Statutes now in Force for, or Touching the Execution of the Office of Under-Sheriff, or Sheriffs-Clerk, and not hereby Altered or Repealed, ſhall be duly put in Execution according to the Tenor of the ſaid Laws, and under the Penalties therein Contained, as by the ſaid Laws are Directed.**

IV. **And for Amending and Explaining the ſaid Act of Parliament, made in** England, **in the Forty Second Year of the Reign of King** Edward **the Third,** That no Under-Sheriff, or Sheriffs-Clerk, ſhould Abide in his Office above one Year.

None to Officiate as Sub-Sheriff or Sheriffs Clerk that hath Officiated in that Court within Three Years.

V. **Be it Enacted by the Authority aforeſaid, That no Perſon whatſoever, ſhall from and after the Sixth Day of** November, **One thouſand ſeven hundred and eleven, be Admitted into, or ſhall Take on him, or Preſume to Exerciſe, Execute or Officiate, by himſelf, or any under him, or in Truſt for him, or to his Uſe, the Office or Duty, of an Under-Sheriff, Sheriffs-Clerk, or County-Clerk, in any County, or County of a City or Town, within this Kingdom, who hath within the Space of Three Years next, before his Admiſſion therein Executed, Officiated or Exerciſed, either or any of the ſaid Offices or Duties, within the ſaid County, or County of a City or Town, and if any Perſon or Perſons, ſhall after the ſaid Sixth Day of** November, **One thouſand ſeven hundred and eleven, Offend herein, he ſhall Forfeit and Pay for every ſuch Offence, the Sum of Five hundred Pounds, to be Recovered in any of Her Majeſty's Four Courts of** Dublin, **wherein no Eſſoign, Privilege, Protection or Wager or Law, ſhall be Allowed, or any more than One Imparlance Granted, the one Moiety thereof, to be Applied to the Uſe of the Work Houſe, or Houſe of Correction of ſuch County, or County of a City, wherein ſuch Offence ſhall be Committed, the other**

Moiety

Moiety to be Applied to the Use of him, her or them, that will Sue for the same, in any of Her Majesty's Four Courts at Dublin, by Action of Debt, Bill, Plaint or Information, Grounded on this Statute; any Law or Statute to the contrary notwithstanding, unto which said Action, the Judge or Judges of the Court, wherein the same shall be Brought, shall, and are hereby Required, upon Affidavit, made of such Offence, to Hold and Oblige the Defendant, to Give in such Action good and sufficient Bail, to the said Action, and likewise if Judgment be given against the Defendant, he shall, and is hereby Deemed and Adjudged, and made for ever hereafter Incapable of Acting as Under-Sheriff, Sheriffs-Clerk, or County-Clerk, in any County, County of a City or Town.

VI. And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, who shall after the said Sixth Day of November, One thousand seven hundred and Eleven, be Nominated, Constituted or Appointed, Under-Sheriffs, Sheriffs-Clerk, or County-Clerk, within any County, or County of a City, or Town, shall before he or they shall Exercise, Officiate, or in any manner Execute the said Office or Duty of an Under-Sheriff, or Sheriffs-Clerk, enter into a Recognizance to Her Majesty, Her Heirs and Successors, with sufficient Security, in the Penalty of Two Hundred Pounds, before a Master of the High Court of Chancery, or before a Master Extraordinary, for taking Affidavits in the Country, who are hereby Authorized and Required, to take such Recognizances, Conditioned, that he has not taken the said Office, Duty or Imployment, to the Use of, or in Trust for any Person or Persons, who was or hath been Under-Sheriff, or Sheriffs-Clerk, or Executed either of the said Offices or Imployments, in the said County, or County of a City, or Town, within the space of Three Years then next Preceding, or any other Person or Persons in Trust for such Preceding Sheriff, and that he will Execute the same in Person, and that all the Fees and Perquisits, Benefits and Advantages, of what Nature or Kind soever, are intirely to his own proper Use, Benefit and Advantage, or to the proper Use, Benefit and Advantage of the High-Sheriff, and that he, neither shall or will Forbear, Postpone, or Delay the Execution, or Return of any Writ or Process, that shall come to his Hands, or be Lodged in the Sheriffs Office, for any Gratuity, Reward or other Consideration whatsoever, which said Recognizance so taken, shall be in Two Months after the taking thereof, returned into Her Majesty's Court of Exchequer, for the Recording of which Recognizance, shall be received the Sum of Two Shillings and Six Pence and no more.

To Enter into Recognizance that the Office is not taken in Trust.

VII. And be it further Enacted by the Authority aforesaid, That before every such Under-Sheriff, Sheriffs-Clerk, or County Clerk, shall take upon him such Office, or any way Officiate therein, they shall Take and Swear the Oath following, before such Person or Persons, before whom he shall enter into such Recognizance as aforesaid, which Person or Persons are hereby Impowered and Required to Administer, the said Oath to Wit.

The Oath to be taken by the Sub-Sheriffs or Sub-Sheriffs Clerk or County-Clerk before he Acts.

I *A. B.* Do Swear that neither I, nor any Perſon in Truſt for me, or for my Uſe or Benefit, have Executed the Office or Duty of Under-Sheriff, Sheriffs-Clerk, or County Clerk, within the County of or any way Officiated, or Acted in any of the ſaid Offices at any time, within Three Years laſt paſt, and that I have not taken the ſaid Office or Employment, to the Uſe of, or in Truſt for any Perſon or Perſons who was, or hath been Under Sheriff, or Sheriffs Clerk, or Executed either of the ſaid Offices or Employments, in the ſaid County of within the ſpace of Three Years laſt paſt, or any Perſon or Perſons in Truſt for me, and that I will Execute the ſaid Office in Perſon, and that all the Fees and Perquiſits, Benefits and Advantages, of what Nature and Kind ſoever, belonging to the ſaid Office, ſhall be taken to My own Uſe, Benefit and Advantage, or the Uſe of the High-Sheriff, and that I, neither ſhall or will Forbear, Poſtpone, or Delay the Execution or Return of any Writ or Proceſs, that ſhall come to my Hands, or be Lodged in the Sheriffs-Office, for any Gratuity, Reward or other Conſideration whatſoever.

The Forfeit for Exhibiting the ſame.

VIII. And be it further Enacted by the Authority aforeſaid, That if any ſuch Under-Sheriff, Sheriffs-Clerk, or County-Clerk, or any other Perſon ſhall Execute ſuch Office or Duty, or any way Officiate therein, before he ſhall have entered into ſuch Recognizance, and taken ſuch Oath as aforeſaid, ſuch Under-Sheriff, Sheriffs-Clerk, and County-Clerk, or other Perſon Officiating as aforeſaid, ſhall Forfeit and Pay for every ſuch Offence, the Sum of Five Hundred Pounds, to be Recovered in ſuch manner, and to go to ſuch Uſes, and to ſuch Perſons, as the Penalty and Forfeiture beforementioned, is to go.

The Forfeiture for Acting within Three Years.

IX. And be it further Enacted by the Authority aforeſaid, That if any ſuch Under-Sheriff, Sheriffs-Clerk, or County-Clerk, or other Perſon Officiating as aforeſaid, after having taken ſuch Oath as aforeſaid, ſhall be found Guilty, or Convicted upon Indictment, or Information of having Executed the ſaid Office or Duty of Under-Sheriff, Sheriffs-Clerk, or County-Clerk, or Officiating as aforeſaid, within the County or County of a City or Town, within Three Years before he took ſuch Oath, ſuch Under-Sheriff, Sheriffs-Clerk, County-Clerk, or other Perſon Officiating as aforeſaid, ſhall ſuffer ſuch Pains, Penalties and Forfeitures, as a Perſon Convicted of wilful Perjury by the Laws and Statutes of this Kingdom, is and ought to ſuffer.

X. And whereas, the Under-Sheriffs, and Sheriffs-Clerks, in ſeveral Counties of this Kingdom, procure to themſelves or ſome in Truſt for them a Deputation, from the Clerks of the Peace and Crown of the ſaid Counties, wherein they Officiate as Under-Sheriff or Sheriffs-Clerk, and by their cunning Contrivance and Management, procure many Perſons for frivolous Matters, to be preſented by the Grand-Jury, at the Quarterly-Seſſions, in Order to have it more in their Power to Oppreſs the Country, and Iſſue Proceſs againſt ſuch Perſons, thereby to gain to themſelves Fees, as Under-Sheriffs.

XI. For

XI. For Remedy whereof, Be it Enacted by the Authority aforesaid, That no Under-Sheriff or Sheriffs-Clerk, or any in Trust for them, or to their use, shall from and after the Sixth Day of December, One thousand seven hundred and eleven, Execute, Exercise, or in any manner Act, or Officiate as Clerk of the Peace, for the same County, he shall so Act, as Under-Sheriff, Sheriffs-Clerk or County-Clerk as aforesaid, under the Forfeiture or Penalty of Five Hundred Pounds, for every time he shall so Act, Execute or Officiate, to be recovered by such Person or Persons, who will Sue for the same, in any of Her Majesty's Four-Courts of Dublin, by Bill, Plaint or Information, in which no Essoign, Protection or Wager of Law, shall be allowed, or more than one Imparlance, and to be distributed in manner as aforesaid.

No Sub-Sheriff or Sheriffs-Clerk, &c. shall Execute the Office of Clerk of the Peace for the same County.

The End of the Acts of Queen ANNE.

MVSEVM
BRITAN
NICVM